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Montana Game and Fish Laws



Revised for Years
1925-1926

C. A. JAKWAYS

State Fish and Game Warden

HELENA,

MONTANA

Compilation of Laws Relating to Game and Fish, Game Birds and Animals of the State of Montana

As Amended and Now in Force

ALSO

Alien Gun License Law

Summary of Migratory Bird Treaty Act and Summary of Forest Fire Laws of Montana

REVISED MARCH 1st, 1925

Compiled and Published by
C. A. JAKWAYS
STATE FISH AND GAME WARDEN
HELENA, MONTANA

BY ORDER OF THE COMMISSION fishing 300 feet below any power or storage dam is prohibited.

Fire arms may be carried but not fired, crossing the Sun River Game Preserve, three days before and three days after, and during the open season.

BY ORDER OF THE COMMISSION, the following streams were closed until opened by the Commission:

Gallatin County:

Sour Dough Creek from Story Creek crossing to Keggy Lane, one and one-half ($1\frac{1}{2}$) miles south. Cherry Creek and Cleveland Creek.

Fergus County:

North Fork of Flatwillow.

Stillwater County:

Limestone Creek, Sioux Charley Lake, on the Stillwater below the riffle at head of lake.

Powell County:

Hoyt Creek above road crossing in town of Ovando.

GAME AND FISH LAWS IN FORCE

1925 - 1926

AN ACT TO DEFINE CRIMINAL TRESPASSING IN CERTAIN CASES AND PROVIDE THE PUNISHMENT AND CIVIL LIABILITY THEREFOR.

**Be It Enacted by the Legislative Assembly
of the State of Montana:**

Section 1. Any person tearing down, breaking or injuring any fence or other inclosure for the purpose of entering upon the land or premises of another without the consent of the owner or occupant; any person who shall build a fire upon the land or premises of another within any inclosure or who shall sever from such land or premises any tree, grass, or other product thereof, or shall take therefrom anything attached or appurtenant thereto without the consent of the owner or occupant; and any person who shall hunt upon any inclosure, land or premises where there is posted in a conspicuous place a sign or warning reading "No Hunting allowed on These Premises," or a sign or warning reading "No Trespassing Allowed on These Premises," without the consent of the owner, shall be guilty of a misdemeanor and shall be punishable by a fine of not less than \$10 nor more than \$500 or imprisonment, not to exceed 6 months in the county jail, or both such fine and imprisonment, and shall also be liable to the person injured for all damages occasioned thereby.

Section 2. This Act shall be in full force and effect upon its passage and approval.

Approved February 26, 1915.

CHAPTER 193.

AN ACT RELATING TO THE PROTECTION AND PROPAGATION OF FISH AND GAME; CREATING A STATE FISH AND GAME COMMISSION AND DEFINING ITS POWERS, DUTIES AND COMPENSATION; PROVIDING FOR THE APPOINTMENT OF A STATE FISH AND GAME WARDEN AND DEPUTIES, AND DEFINING THEIR POWERS, DUTIES AND COMPENSATION; REGULATING THE OPERATION AND BUILDING OF FISH HATCHERIES; AND THE APPOINTMENT OF OFFICIALS AND EMPLOYEES THEREFOR; CREATING A FISH AND GAME FUND AND GOVERNING THE USE; REGULATING THE ESTABLISHMENT OF FISH AND GAME DISTRICTS, PRESERVES AND REFUGES; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ACT, AND REPEALING SECTIONS 1949 TO 1987, INCLUSIVE, OF THE REVISED CODES OF MONTANA OF 1907, TOGETHER WITH ALL ACTS AMENDATORY THEREOF; CHAPTER 87 OF THE LAWS OF 1909, CHAPTERS 28 AND 63 OF THE LAWS OF 1911, AND CHAPTER 96 OF THE LAWS OF 1913; SECTIONS 8 TO 19, INCLUSIVE, AND SECTIONS 27, 29, 44, 45 AND 46 OF CHAPTER 173 OF THE LAWS OF THE FIFTEENTH LEISLATIVE ASSEMBLY OF MONTANA OF 1917, AND ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 3650. **State Fish and Game Commission, Creation.** There is hereby created

for the State of Montana, a State Fish and Game Commission, which shall be composed of five members, with the powers and duties in this Act specified, and which is hereinafter referred to as "The Commission."

Section 3651. Membership—Terms. The members of the Commission hereby created, shall be appointed by the Governor of the State of Montana. The selection of said members shall be made without regard to political affiliation, but for the sole welfare of the fish, game, and wild life of the State, and not more than three of said members shall belong to the same political party. Two of said members shall be appointed to serve for one year, one to serve two years, one to serve three years, and one to serve four years, and thereafter to be appointed by the Governor at the expiration of their first terms, to serve for four years, unless sooner removed. All vacancies in the Commission shall be filled by the Governor. The Governor is hereby given the power to remove any member of said Commission for cause or for the good of the Commission. No person shall be appointed a member of said Commission unless he shall be informed on, and interested in, the subject of wild life, fish and game, and the requirements for the conservation and propagation of fish, game and game birds and animals. The first members of the Commission shall be appointed by the Governor within thirty days after the passage and approval of this Act. Each Commissioner shall, before entering upon his official duties, execute and file a bond with the Secretary of State, running to the State of Montana, in the penal sum of

One Thousand Dollars, with sureties to be approved by the State Treasurer, conditioned for the faithful performance of his duties, and that he will account for, and pay over to the Fish and Game Fund of the State, all moneys received by him, and he shall be reimbursed for the premium on said bond from the State Fish and Game Fund upon furnishing a proper voucher therefor.

Section 3652. Meetings. The members of the Commission shall within thirty days after their appointment and annually thereafter meet and organize by electing from its membership a chairman and shall hold quarterly or other meetings for the transaction of business, at such times and places it may deem necessary and proper, said meetings to be called by the Chairman, or by a majority of the Commission, and to be held at the time and place specified in the call for the same. A majority of the members of the Commission shall constitute a quorum for the transaction of any business which may come before it. The said Commission shall keep a record of all the business transacted by it. The Chairman and Secretary, hereinafter designated, shall sign all orders, minutes or documents for the Commission.

Section 2. That Section 3653 of the Revised Codes of Montana of 1921, as amended by Chapter 77, Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, be, and the same is hereby amended to read as follows:

Section 3653. Powers and Duties of Commission. The Commission hereby created shall have supervision over all the wild life, fish, game, and non-game birds, and

waterfowl, and the game, and fur-bearing animals of the State, and shall possess all powers necessary to fulfill the duties prescribed by law with respect thereto, and to bring actions in the proper courts of this State for the enforcement of the fish and game laws of the State, and the orders, rules and regulations adopted and promulgated by the Commission. It shall have full power and authority to enforce all the laws of the State of Montana, respecting the protection, preservation and propagation of fish, game, and fur-bearing animals, game and non-game birds, within the State. It shall have the exclusive power to expend for the protection, preservation and propagation of fish, game, and fur-bearing animals, and game and non-game birds, all funds of the State of Montana, collected or acquired for that purpose, whether arising from state appropriations, licenses, fines, gifts, or otherwise, all sums collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from fines, damages collected for violations of the fish and game laws of this state, from appropriations, or received by the Commission from any other sources are hereby appropriated to and placed under control of the Montana Fish and Game Commission. It shall have power to discharge any appointee or employee of such Commission for cause at any time. It shall have full power and authority to dispose of all property owned by the State of Montana, used for the protection, preservation and propagation of fish, game and fur-bearing animals, and game and non-game birds, which shall have been found

to be of no further value or use to the State, and shall turn over proceeds arising therefrom to the State Treasurer to be by him credited to the State Fish and Game Fund. It shall have full power and authority to use so much of the Fish and Game Funds of the State as may be necessary for the construction, maintenance, operation, upkeep, and repair of fish hatcheries, game farms, or other property or means and appliances for the protection and propagation of fish, game and fur-bearing animals, or game or non-game birds in the State of Montana, and it shall have the authority to appropriate moneys from the funds at its disposal for the extermination or eradication of predatory animals that destroy fish, game, or fur-bearing animals, or game or non-game birds. It shall have authority to provide for the importation of game birds and game and fur-bearing animals, and for the protection, propagation, and distribution of such imported or native birds and animals. It shall have authority to spend so much of the State Fish and Game Funds as may be necessary to introduce and propagate wild waterfowl food and for that purpose may secure expert advice as to what kinds of waterfowl foods are adapted to the climate, soil, and waters of this State. It shall be its duty to furnish plans for, and to direct and compel the construction and installation and repair of fish ladders upon dams and other obstructions in streams which, however, shall be installed and maintained at the expense of the owners of said dam or other obstruction. It shall have the authority to purchase and maintain at the expense of the State Fish and Game Fund suitable

fish screens or fish wheels, or other devices, to install them in irrigating ditches to prevent fish entering said ditches. It shall have authority to locate, lay out, construct and maintain nurseries and rearing ponds where fry can be planted, propagated and reared, and when of suitable sizes, liberated and distributed in the waters of this state, and may expend from the State Fish and Game Funds such sums as may be necessary for this purpose. It shall have authority to acquire by gift, purchase, capture, or otherwise, any fish, game, game birds, or animals, for propagation, experimental or scientific purposes. It shall have authority to divide the state into fish and game districts, and to create fish, game, or fur-bearing animal districts throughout the State of Montana and to declare closed season for hunting, fishing, or trapping in any of said districts, so created, and later to open said districts to hunting, fishing, or trapping. It shall have authority to declare a closed season on any species of game, fish, or game birds, or fur-bearing animals threatened with undue depletion, from any cause, and to close any area or district or any stream, public lake, or public water, or portions thereof, to hunting, trapping, or fishing, for limited periods of time, when such action is necessary to protect recently stocked area, district, water, spawning waters, spawn-taking waters, or spawn-taking stations, or to prevent the undue depletion of fish, game, and fur-bearing animals, and game and non-game birds, and later to open the same upon consent of a majority of the property owners affected. It shall have authority to establish game refuges for the purpose of providing safe

sanctuaries in which game and fur-bearing animals or game or non-game birds may breed and replenish. Such refuges shall be established by order of the Commission upon the petition and proper showing that such action is, in judgment of the Fish and Game Commission, necessary and in the best interest of the wild life within the area, to be included within such refuge, it being the purpose of this provision to establish small refuges rather than large preserves or rather than to close large areas to hunting or trapping. It shall have authority to designate and protect certain areas as resting, feeding and breeding grounds for migratory birds, in which hunting and molestation shall be forbidden; it being the purpose of this provision not to interfere unduly with the hunting of water-fowl, but to provide havens in which they can rest, feed, and breed without molestation. After petition has been duly filed with the Secretary of the Commission, praying that an area shall be set aside as a game refuge or haven, the said Secretary shall immediately publish a notice in a paper of general circulation in the county in which said area is proposed, that a hearing in connection therewith will be held at such place in said county as may be designated on a day not less than fifteen (15) days from the date of the first publication, to be specified in said notice, at which time and place all interested parties shall have the right to appear and be heard. It shall have authority to establish and maintain an educational and biological department of their work for the collection and diffusion of such statistics and information as shall be germane to the purpose of this Act. Said Commission shall,

in addition to the powers heretofore granted, have such other and further powers as may be necessary to fully carry out the purpose and intent of all the laws pertaining to fish, game, and fur-bearing animals, game and non-game bird propagation, protection, conservatino, and management of this Act."

Section 3654. Compensation of Commissioners. The members of the Commission shall receive no compensation for their services as members thereof, except a per diem of Ten Dollars (\$10) for each member for every day in actual attendance at the meetings of said Commission, or in the execution of their duties as members of said Commission; provided, however, that in no instance shall any member of said Commission receive as said per diem, a sum in excess of Two Hundred Dollars (\$200) in any one year, and the members of said Commission shall be allowed their actual and necessary traveling expenses, while performing their duties as members of said Commission, which shall be paid quarterly upon proper vouchers, from the Fish and Game Fund of the State.

"Section 3655. State Fish and Game Warden, Qualifications, Duties. The State Fish and Game Commission shall appoint and employ a State Fish and Game Warden, who shall continue in the office at the pleasure of said Commission. He shall be a person having experience, special training and skill in wild life protection, conservation, and management. He shall be the Secretary of the State Fish and Game Commission, attend the meetings of said Commission, and keep a correct record of all of its transactions. He shall be the

administrative head of the State Fish and Game Department, custodian of its property and records, and shall maintain his office at the seat of the State Government. He shall devote all of his time to his official duties, and such State Fish and Game Warden shall have all the powers and duties which are now or may hereafter be by law conferred upon and delegated to the State Game Warden or the State Fish and Game Warden. His powers and duties shall include those of a Deputy State Fish and Game Warden hereinafter enumerated. He shall be subject to the supervision and control of said Commission and may be removed from office by said Commission for neglect of duty, incompetency, or other good cause. The State Fish and Game Warden shall be paid a salary fixed by the Commission of not to exceed Three Thousand Dollars (\$3,000.00) per year, and in addition thereto shall be allowed his actual and necessary traveling expenses while away from the seat of government upon official business connected with his office; provided, however, that in no instance shall he be allowed as expenses in excess of Two Thousand Dollars (\$2,000.00), in any one year, the same to be paid upon proper vouchers from the Fish and Game Fund of the State."

Section 3656. Deputy Fish and Game Warden—Appointment. The State Fish and Game Warden shall have power to employ, and appoint a number of deputy state fish and game wardens for the proper enforcement of the fish and game laws of the State, or for such purposes as the Commission may direct who shall be peace officers and hold their offices for such time as the Warden may direct, and who

may be removed from office by said Warden at any time for cause. The said Warden shall assign to each Deputy State Fish and Game Warden, appointed or employed the territory or district in which he is to perform his duties and work, which may be changed at any time by said Commission. Said deputy fish and game wardens shall perform their duties at the direction of, and subject to the supervision and control of the State Fish and Game Commission and the State Fish and Game Warden; provided, however, the Commission may employ for a limited period of time, special Deputy Game Wardens to patrol said districts and enforce the game and fish laws of the State of Montana therein, and to perform such duties in said districts as may be prescribed by said Commission for the limited time for which they are so employed; and further, such special Deputy Game Wardens shall receive in compensation such amounts as the Commission may allow per day for services rendered and actual expenses."

Section 3657. Deputy State Fish and Game Wardens Under Qualifications. All appointments of salaried Deputy Fish and Game Wardens shall be made under rules adopted and promulgated by the Commission; such examination shall embrace an investigation of the character, habits, and qualifications of the applicant, as well as his knowledge of the State Fish and Game Laws, and the duties and responsibilities appertaining to the office of Deputy Fish and Game Warden. No person shall be appointed a salaried Deputy State Fish and Game Warden until a certificate shall have been issued to him by the Commission to the effect that he has passed the required

examination and is a fit and proper person to perform the duties of the office.

Section 3658. Political Activity Prohibited. While retaining the right to vote as he may please, and to express his opinions on all political questions, no Fish and Game Warden or Deputy shall take any active part in political management or political campaign, nor shall he use his official authority or influence for the purpose of interfering with an election, or affecting the results thereof, or for the purpose of coercing or influencing the political actions of any person or body.

Section 3659. Deputy State Fish and Game Wardens, Qualifications, Duties. The Deputy State Fish and Game Wardens employed and appointed by virtue of this Act shall be persons who have had experience, training, and skill in protection, conservation, and propagation of wild life, game, and fur-bearing animals, fish and game birds, and who shall be interested in said work; they shall devote all of their time for which they are appointed, to their official duties, it shall be their duty to see that the laws of the State of Montana and the laws, orders, rules and regulations of the State Fish and Game Commission with reference to the protection, preservation and propagation of game and fur-bearing animals, fish and game-birds are strictly enforced; it shall be their duty to see that all those who hunt, fish, or take game, or fur-bearing animals, game birds, or fish, have necessary licenses. They shall have authority to serve subpoenas issued by any court for the trial of offenses against any of the fish and game laws of the State; they shall have authority to make a search, when they have reasonable cause to believe

that any of the game, fish, birds, or quadrupeds, or any parts thereof, have been killed, captured, taken or possessed, in violation of the laws of this State, and without search warrant, to search any tent not used as a residence, boat, car, automobile, or other vehicle, box, locker, basket, creel, crate, gamebag, or other package and the contents thereof to ascertain whether any of the provisions of the laws of this State or the rules and regulations of the Fish and Game Commission, for the protection, conservation or propagation of game and fish or game birds or fur-bearing animals have been violated, and with a search warrant to search and examine the contents of any dwelling house or other building, to seize and confiscate all game, fish, gamebirds, and fur-bearing animals or any parts thereof, possessed in violation of the law, or the orders, rules and regulations of the Commission, or showing evidence of illegal taking, and seize and confiscate all devices used in the taking of game and fur-bearing animals, fish or game birds illegally, and to hold the same subject to law or the orders of said State Fish and Game Commission; to arrest without warrants any persons committing in their presence any offense against the Fish and Game Laws of the State of Montana, or against any orders, rules and regulations of the Commission violation of which has been made a misdemeanor by the provisions of this Act, and to arrest without warrant any person who they have reasonable and probable cause to believe has committed any such offense and to take such person immediately before a magistrate having jurisdiction of the same, and to exercise such other powers of peace of-

ficers in the enforcement of the Fish and Game Laws of the State, and the orders, rules and regulations of the Commission, or of judgments obtained for the violation thereof, not herein specifically provided. It shall be their duty at all times to assist in the protection, conservation and propagation of fish, game, and fur-bearing animals, and game and non-game birds, and to assist in the planting, distributing, feeding and caring for fish, game and fur-bearing animals, and game and non-game birds; it shall be their duty when ordered by the State Fish and Game Commission, to assist in the destruction of predatory animals, birds, and rodents; it shall be their duty to do and perform all other duties prescribed from time to time by the State Fish and Game Commission, and to make a monthly report to said Commission correctly and truthfully informing the said Commission of just what each said Deputy Fish and Game Warden has done during each day of the preceding month, with regard to the enforcement of the Fish and Game Laws of this State, showing where his duties called him, and what he was called upon to do, and said report shall contain any pertinent recommendations said Deputy may see fit to make. No Deputy or Special Deputy Fish and Game Warden shall have authority to compromise or settle out of court, any violation of the State Fish and Game Laws"

Section 3660. Oath and Bond of State Fish and Game Warden and Deputy Wardens. Before entering upon his official duties, the State Fish and Game Warden and Deputy Wardens shall take and subscribe the Constitutional oath of office and shall in addition thereto, swear, or

affirm, that he holds no other position or office, nor any position under any political committee or party. Such oath or affirmation, shall be filed in the office of the Secretary of State.

The State Fish and Game Warden shall execute and file with the Secretary of State, a bond to the State of Montana in the sum of Ten Thousand Dollars (\$10,000.00), with sureties thereon approved by the State Treasurer, and each salaried Deputy State Fish and Game Warden shall file a bond with the Secretary of State, to the State of Montana in the sum of One Thousand Dollars (\$1,000.00), with sureties thereon approved by the State Treasurer, conditioned for the faithful performance of the duties of their respective offices, and that they, respectively, will account for any and pay over, pursuant to law, all moneys received by them respectively. The State Fish and Game Warden and each of said Deputies shall be reimbursed for the premium on said bonds from the State Fish and Game Fund, upon the furnishing of a proper voucher therefor.

Section 3661. Deputy State Fish and Game Wardens, Removal, Rating, Salary, etc. The State Fish and Game Commission shall have power to remove, suspend without pay, to reduce in rank, to act as a trial board in hearing and passing upon charges against Deputy State Fish and Game Wardens, and to rate all such deputies on the basis of merit and efficiency, in accordance with such rules and regulations as it may adopt to secure a proper rating of Deputy State Fish and Game Wardens or to carry out the provisions of this Section. It shall rate all Deputy State Fish and Game Wardens on the basis of merit and

efficiency in three grades, to be known as the first, second, and third grades. Any Deputy in the first and second grade shall not be removed unless furnished with reason for removal and given a hearing in his own defense. The salary of the Deputy State Fish and Game Wardens shall be One Hundred Twenty-five Dollars (\$125.00) per month; provided, that each Deputy State Fish and Game Warden, who shall have rated in the first grade for a full year shall receive increased salary at the rate of Ten Dollars (\$10.00) per month, and for each year thereafter in which he shall so qualify he shall receive a like increase until he receives the sum which shall be at the rate of Eighteen Hundred Dollars (\$1800.00) per annum, and that each Deputy State Fish and Game Warden who shall have been rated in the second grade for a full year, shall receive increased salary at the rate of Five Dollars (\$5.00) per month, and for each year thereafter in which he shall so qualify, he shall receive a like increase until he receives the sum which shall be at the rate of Sixteen Hundred Fifty Dollars (\$1650.00) per annum; but the Commission shall have power in its discretion for cause shown, to cancel such increase or any part thereof on the failure of any such Deputy Fish and Game Warden receiving such increase, to qualify for the first or second grade in any year. Each Deputy State Fish and Game Warden shall be allowed his actual and necessary traveling expenses while away from his place of residence, upon official business connected with his office, not exceeding the sum of Six Hundred Dollars (\$600.00) per annum, except when a sum in excess thereof shall have been actually and necessarily

expended upon the order of the State Fish and Game Warden, said expenses to be approved by him and to be paid upon proper voucher from State Fish and Game Fund."

"Section 3662. Special Deputy State Fish and Game Wardens. The State Fish and Game Warden may appoint anyone who is a bona fide resident and citizen of the State as a Special Deputy Fish and Game Warden. Such Special Deputy Fish and Game Warden shall hold his appointment during the pleasure of the Commission, or State Game Warden, and shall have the same powers and duties as other Deputy State Fish and Game Wardens, but shall receive no pay for his service, except that the Commission may in its discretion, allow him his actual and necessary traveling expenses, and all expenses paid by him for transportation, board and lodging of persons under arrest for violation of the game, fish and fur-bearing animal laws, orders, rules or regulations, which, if allowed shall be paid upon proper voucher from the State Fish and Game Fund."

Section 3663. Sheriff's Constables, Peace Officers and State Forest Officers. All Sheriffs and their Deputies, Constables, all Peace Officers of the State, or any subdivision thereof, and all State Forest Officers, are hereby made ex-officio State Fish and Game Wardens, without pay, except that the Commission may, in its discretion, allow actual and necessary traveling expenses, which, if allowed, shall be paid upon proper vouchers from the State Fish and Game Funds, and shall have the same powers with reference to the enforcement of the Fish and Game Laws of this State as regularly appointed Deputy

State Fish and Game Wardens, and it is hereby made their duty to assist, wherever possible, in the enforcement of said laws.

Section 3664. Superintendent of State Fisheries, Appointment and Bond. The State Fish and Game Commission shall have general supervision over all hatcheries in the State, and shall appoint and employ a Superintendent of Fisheries, who shall be a competent person and a skilled fish culturist. He shall act solely under the direction of the State Fish and Game Commission. The output of all State Hatcheries shall be used to stock the lakes and streams of the State and shall be for free and impartial distribution within the State, such distribution to be under the direction of said Superintendent of Fisheries subject to an official order of the Commission. He shall have the power to exchange spawn or fish with other States or persons for distribution in this State. Before entering upon his official duties the Superintendent so appointed and employed by said Commission shall execute and file a bond with the Secretary of State, in the sum of Two Thousand Dollars (\$2000.00) with sureties thereon, approved by the State Treasurer, to the State of Montana, conditioned for the faithful performance of his official duties, and that he will account for and pay over, pursuant to law, all moneys received by him. He shall be reimbursed for the premium on said bond from the Fish and Game Fund of the State, upon presentation of a proper voucher therefore."

Section 3665. Superintendent of State Fisheries, Salary. The Superintendent of State Fisheries, appointed and employed by the Commission, shall receive for his

services a salary to be fixed by the Commission, at not to exceed Three Thousand Dollars (\$3000.00) per year, and his actual and necessary traveling expenses while absent from his place of residence and upon official business connected with his office; provided, however, that in no instance shall he be allowed for expenses a sum in excess of one Thousand Dollars (\$1000.00) in any one year, which shall be paid from the State Fish and Game Fund on proper vouchers.

Section 3666. Superintendent of State Fisheries, Duties and Powers. The Superintendent of State Fisheries shall have full control of all State Fish Htacheries and shall be responsible for their construction, maintenance, and operation, subject at all times to an order of the Commission. All such construction work done under contract or otherwise, shall be done under control and supervision of said Superintendent of Fisheries, subject to his acceptance under the direction of the Commission. He shall have charge of the work of taking and collecting all spawn, the hatching of all spawn and eggs, rearing, propagating and distribution of fry, fingerlings and fish, and with the consent of the State Fish and Game Commission, he shall have power and authority to employ such assistance and help as may be necessary in the operating of fish hatcheries of the State, the gathering of eggs, or the performance of any other work in connection with the protection, propagation and distribution of fish and fry. He shall have authority with the consent of the Commission, to purchase so many eyed eggs from time to time, as may be necessary in order to keep the hatcheries of the

State supplied with eggs and in full operation, the quality and kind of species of eggs to be determined by the Superintendent shall make every reasonable effort to collect sufficient eggs from the public streams or lakes of this State, to supply said hatcheries, and for that purpose shall have the right and authority to build, equip, and use fish traps and nets at any and all seasons of the year in all the public waters of the State. Said Superintendent shall have authority when authorized to by the Commission, to purchase the eyed eggs of fish not propagated in this State, for the purpose of stocking the waters in this State."

Section 3667. State Fish and Game Commission. To Control State Waters for Propagation of Fish. That from and after the passage of this Act, the State Fish and Game Commission is hereby given the right and authority to control the waters of any lake, pond, or stream, which may lie wholly within the limits of land owned by the State of Montana, so far as the use of said lake, pond or stream, for the breeding and propagation of game fish is concerned. Before such right to control any of such lake, pond, or stream, shall inure to the State Fish and Game Commission, it shall be necessary for the Chairman of said Commission to notify the State Land Agent that any such lake, pond or stream, is wanted for the purpose herein mentioned, giving a description of the land by legal subdivision, when surveyed, or a sufficient general description when not so surveyed, whereupon it shall be the duty of the State Land Agent to make such entry upon his books and maps as may serve as notice to any leasor or

purchaser of the right claimed by the State, in any such lake, pond or stream, and said State Land Agent shall notify any leasor or purchaser or applicant to lease or purchase, of the fact that a right to the use of such lake, pond or stream is so claimed; provided, however, that no such right as is hereby given shall continue for more than one year after such land is sold by the State, and further provided, that should it be found that the right to the control of any such lake, pond, or stream heretofore granted lessens the value of said land or prevents the ready sale thereof, that then and in that event the right hereby granted to the State Fish and Game Commission may be terminated upon giving sixty (60) days' notice of such termination to the Chairman of the State Fish and Game Commission.

Section 3668. State Fish and Game Commission Shall Procure Plans for Buildings. It shall be the duty of the State Fish and Game Commission of the State of Montana, to procure suitable plans and specifications for any buildings erected by their authority or under authority of the State Legislature, when the estimated value or cost of the same shall be more than One Thousand Dollars (\$1000.00), and said Commission shall cause said buildings to be built, erected and completed in accordance with such plans and specifications, by contract, said contract to be let after publishing notice stating the time and place of letting the same and where plans and specifications may be seen. Said notice shall be published not less than once a week for two weeks prior to the time of letting such contract, in some newspaper of general circulation

in the county in which said building is to be erected, and elsewhere if deemed best by said Commission, and said Commission, if not satisfied with the bids received, or for any other reason, may reject any and all bids received and re-advertise as often as may be necessary. The contract shall be let to the lowest responsible bidder. Any person to whom a contract may be given shall be required to give a good and sufficient bond, conditioned for the faithful performance and completion of such contract, the same to be approved by the Commission, or some member of the Commission.

Section 3669. Transfer of Funds. All funds, appropriations and moneys provided for the purpose of administering or enforcing the present Fish and Game Laws of this State, and all funds, appropriations and moneys belonging to the Fish and Game Fund of this State and now under the control or in the possession of any officer, person or department of this State, shall be and hereby are placed under the control of the Commission hereby created, and shall be collected and disbursed by said Commission, pursuant to existing laws and provisions of this Act.

Section 3670. State Fish and Game Fund. Appropriated for What. All sums collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from fines, damages collected for violations of the Fish and Game Laws of this State, from appropriations, or received by the Commission from any other source, shall be turned over to the State Treasurer, and placed by him in a special fund

known and designated as the "State Fish and Game Fund"; provided, that out of any fines imposed by a court for the violation of this Act, the costs of prosecution shall be paid to the county where the trial was held, in any case where the fine is not imposed in addition to the costs of prosecution. Said fund is hereby exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses and expenditures of every source and kind whatsoever, authorized to be made by the State Fish and Game Commission under the terms of this Act, and said funds shall be expended for any and all of such purposes, by said Commission subject to the proper audit and allowance by the State Board of Examiners.

Section 3671. State Fish and Game Warden. Clerk and Stenographer. The State Fish and Game Warden appointed and employed by the State Fish and Game Commission of this State, shall have the right, subject to the approval of the Commission, to employ such clerical and stenographic assistance as may be necessary for him to properly maintain his office and perform his official duties in his office, and the person or persons performing the same shall be paid monthly out of the Fish and Game Funds of the State upon proper voucher.

Section 3672. Salaries, Per Diem and Expenses, How Paid. All salaries, per diem, expenses, and claims incurred by the State Fish and Game Commission, or any person appointed or employed by them, shall be allowed by the State Board of Examiners upon the presentation of proper vouchers therefor, and shall be paid out of the State Fish and Game Funds,

upon warrants properly drawn thereon; provided, however, that the aggregate of all salaries, per diem, expenses and claims presented for payment shall not exceed at any time the total amount in said State Fish and Game Fund. The State Fish and Game Commission shall approve all bills properly presented which have been incurred under its authority and by its direct order. The expenses of all Deputy State Fish and Game Wardens shall be approved by the State Fish and Game Warden, before they are paid, and the salary, per diem or expenses of any employee employed in the propagation or distribution of fish shall be approved by the Superintendent of State Fisheries, before they are paid. All items of expense, amounting to more than One and 50/100 Dollars incurred by any one employed in the State Fish and Game Department, shall be evidenced by a proper voucher or receipt before they shall be approved, allowed, or paid.

Section 3673. Reports of State Fish and Game Warden, Superintendent of State Fisheries and Commission. The State Fish and Game Warden, and the Superintendent of State Fisheries, shall, on or before the first day of June of each year make a written report to the State Fish and Game Commission of the operations of their departments during the preceding year, and the State Fish and Game Commission shall thereafter, and on or before the first day of November of each year transmit such report, together with a detailed report to the Governor, of its work and of moneys collected or received, with the sources thereof, and all disbursements and expenditures with the details con-

nected therewith, the result of investigations made by it during the preceding year ending April 30th, with recommendations as to measures to be taken or enacted to conserve and propagate the fish, game, game birds and game, and fur-bearing animals of the State, and if such recommendations embody legislation, drafts or bills to accomplish the purposes desired.

The Governor is authorized to have such reports printed.

Section 3674. Publication of Laws. As soon as practicable after the adjournment of each session of the Legislature, the State Fish and Game Warden, in co-operation with the Attorney General, shall make a compilation of the laws relating to fish, game, game birds and animals, as amended and in force at the date of such compilation, and properly index the same. Copies of said compilation sufficient in number for the purposes of this section, shall be printed in pamphlet form, pocket size. It shall be the duty of the State Fish and Game Warden to distribute to Justices of the Peace, Deputy Fish and Game Wardens, and other officers and persons empowered to issue licenses for hunting, fishing, and trapping, a supply of such compilation sufficient to permit one copy thereof to be given any one desiring the same. The expense incurred by printing said laws shall be paid out of the State Fish and Game Fund.

Section 3675. Duty of Attorney General to Advise Commissioners. Prosecuting Attorneys to Prosecute Complaints. The Attorney General of the State is the legal adviser of the Commission, and shall, together with the several County Attorneys, enforce the provisions of this Act.

Section 3676. **Creating of Fish and Game District, Refuges, Penalty. Any Fish and Game District, Closed District, Refuges.** P r e s e r v e s , sanctuaries, rest grounds, made or created by said Commission, and any lakes or streams, or portions of lakes or streams closed by said Commission, shall be conspicuously posted for a period of fifteen days, with posters setting forth their purposes and the penalties for violating the orders, rules and regulations of the State Fish and Game Commission applicable to them. Not less than fifteen days before any Fish and Game District, closed district, preserve, refuge, sanctuary, rest ground, so created by said Commission, or closure of waters becomes effective, publication shall be made as provided in Section 3677 hereof of the boundaries of such Fish and Game District, closed district, preserve, refuge, sanctuary, or rest ground, so created by said Commission and closed waters, such boundaries to be accurately designated by definite topographic or public land survey. The hunting, pursuing, wounding, capturing, killing or taking of any fish or game or game birds or animals in violation of the rules, regulations or orders of the State Fish and Game Commission governing any closed season, Fish and Game District, refuge, sanctuary, preserve, rest ground or closed water, promulgated by said Commission shall be punished with the same penalties as provided for the violation of the State Fish and Game Laws of this State, regarding closed seasons. All game preserves heretofore created by the laws of this State are continued in force and effect until such time as the same are changed by

the Commission in the manner herein designated; provided, that no game preserve that has existed for more than two (2) years shall be changed by said Commission.

Section 3677. Publications. The orders, rules and regulations of the State Fish and Game Commission shall be published and posted in the following manner:

(1) Those having general application throughout the State shall be published in such manner and to such an extent as the State Fish and Game Commission deems necessary and may direct.

(2) Those of general or special character having local application only shall be published once in some newspaper having general circulation in the locality or district wherein such rules, regulations, or orders are applicable, and shall be posted in three conspicuous places in the locality or district in which they are applicable.

Section 3678. Effect of Orders, Rules, and Regulations. All orders, rules and regulations for the enforcement of the powers granted to the State Fish and Game Commission shall take effect and be in force, after publication and posting as in this chapter prescribed, and when so published or posted shall constitute legal notice.

Section 3679. Violation of Orders, Rules and Regulations. Any person, firm or corporation violating any rule, regulation or order by the State Fish and Game Commission made pursuant to its powers enumerated in this chapter, or any officers who fails to perform any duty imposed by any of the provisions of this Act, shall be guilty of a misdemeanor, and where the punishment is not otherwise prescribed by

law, shall be punished, upon conviction thereof, by a fine of not to exceed the sum of Three Hundred Dollars, or imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment, in the discretion of the court and in addition thereto shall forfeit his fish and game license for a period of not less than one year.

Section 3680. Sections 1949 to 1987, inclusive, of the Revised Codes of Montana of 1907, together with all Acts amendatory thereof; Chapter 87 of the Laws of 1909, Chapters 28 and 63 of the Laws of 1911, and Chapter 96 of the Laws of 1913; Sections 8 to 10, inclusive, and Sections 27, 29, 44, 45 and 46 of Chapter 173 of the Laws of the Fifteenth Legislative Assembly of Montana of 1917, and all Acts and parts of Acts in conflict herewith are hereby repealed.

If any section, sub-section, sentence clause or phrase of this Act is for any reason held to be unconstitutional or inoperative, such decision shall not affect the validity of the remaining portions of this Act.

That this Act shall take effect, and be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

Section 3681. For the purpose of this Act, the following shall be construed, respectively to mean:

Commission. The State Fish and Game Commission.

Person. The plural or singular, male or female, as the case demands, including individual, associations, partnerships, and corporations, unless the context otherwise requires.

Open Season. The time during which game birds, fish, game and fur-bearing animals may be lawfully taken.

Closed Season. The time during which game birds, fish, game and fur-bearing animals may not be lawfully taken.

Angling or Fishing. The taking of, or attempting to take game fish by hook and line or rod in hand.

Upland Game Birds. Sharptailed grouse, blue grouse, prairie chicken, sage hen or sage grouse, fool hen, ruffed grouse, commonly called native pheasant or native partridge, quail, Chinese Pheasant and Mongolian Pheasant, commonly called ring-necked Pheasant, Hungarian partridge, ptarmigan, and wild turkey.

Migratory Game Birds. Waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown, sandhill and whooping cranes; rails, including coot, gallinules, sora and other rails; shore birds, including avocets, curlew, dowitcher, godwits, knots, upland plover, killdeer, sandpipers, Wilson snipes or jacksnipe, snipe, stilts, plovers, willet and yellowlegs; and mourning or turtle dove.

Game Animals. Deer, elk, moose, antelope, caribou, mountain sheep, mountain goat and bear.

Fur-Bearing Animals. Marten, otter, fox, sable, muskrat, fisher, mink, racoon, and beaver.

Predatory Animals. Coyote, wolf, wolverine, mountain lion, lynx, weasel, skunk and civit cat, black-footed ferret and bobcat.

Game Fish. Mountain trout, cutthroat or Native Trout, (Salmo Mykiss) Rainbow

Trout, (*Salmo Irideus*); Eastern Brook Trout, (*Salvelinus Fortinalis*); Grayling, (*Thymallus Montanus*); Steelhead Trout, (*Salmo Gairdneri*); Dolly Varden Trout, (*Salvelinus Malma*); Loch Leven Trout, (*Salmo Trutta Levenensis*); Chinook Salmon, (*Oncorhynchus Tschawytscha*); Silver Salmon, (*Oncorhynchus Kisutch*); Sockeye Salmon, (*Oncorhynchus Nerka*); Yellow Perch, Ringed Perch, (*Perca Flavescens*); Large Mouthed Black Bass, (*Micropterus Salmoides*); Small Mouth Black Bass, (*Micropterus Dolomieu*); Common Sunfish, Pumpkinseed, (*Lepomis Gibosus*); Great Northern Pike, Northern Pickerel, (*Esox Lucius*); Pike Perch, Wall Eyed Pike, Pike, Yellow Pike, (*Stizostedion Vitreum*).

Section 3682. **License Required.** That it shall be unlawful and a misdemeanor punishable as in this Act hereinafter provided, for any person to take, hunt, shoot, pursue or kill any game, game birds or animals, or take with traps or other devices any fur-bearing animals, or take, capture, or fish for, any fish, or engage in hunting, trapping or fishing within this State except as herein provided, without first having procured a license to do so, and then only during the respective periods of the year when it shall be lawful.

Any person who shall take, fish, hunt, kill, or trap any fish, game birds, game or fur-bearing animals within this State without securing the necessary license therefor, as in this Act provided shall be guilty of a misdemeanor, and upon conviction, shall be punished as in this act hereinafter provided. The provisions of this Act with reference to licenses shall not take effect until after April thirtieth (30th), 1925,

when present hunting and fishing licenses expire.

Section 3683. Classes of Licenses. Licenses shall be divided into the following classes:

Class A, resident, general license.

Class B, non-resident, general license.

Class C, non-resident, limited license.

Class D, non-resident, fishing license.

Class E, Alien, general license.

Class G, Trapper's license.

Class F, Alien, fishing license.

Section 3684. Application for License. Such license shall be procured from the State Fish and Game Warden, or any salaried or special Deputy State Fish and Game Warden, any Justice of the Peace, or any person authorized by the State Fish and Game Warden. Before giving any person other than a salaried Deputy State Fish and Game Warden, or any Justice of the Peace, the authority to sell or issue licenses, the State Fish and Game Warden may exact from such person a bond not to exceed the sum of One Thousand Dollars (\$1000.00), to be approved by the State Fish and Game Warden, conditioned that such person will turn over to the State Fish and Game Warden all sums received by him for such licenses, which said bond shall run to the State of Montana. The applicant shall fill out a blank application furnished by the Commission, stating the name, age, occupation, place of residence and postoffice address of the applicant, the length of time in the State of Montana; whether a citizen of the United States or an alien, and such other facts or descriptions as may be required by the Commission. Said application shall be subscribed and sworn

to by the applicant before any officer authorized to administer oaths in this State, and the persons or officers hereby authorized to issue licenses are also hereby authorized to administer oaths to applicants for such licenses.

Section 3685. Fees and Powers Under Licenses. ..Said applicant, if a resident of the State of Montana and a citizen of the United States shall pay to the officer or person countersigning and issuing the license the sum of Two Dollars (\$2.00), as a license fee, and shall obtain a license of Class A, which shall entitle the holder to hunt, kill, capture, take and possess game, game birds and animals and to fish with hook and line as authorized by this Act.

All citizens of the United States who have lived in this State for at least six months, immediately preceding their application for a license, or officers and soldiers of the United States Army shall be deemed resident citizens for the purposes of this section, as well as all officers of the Forest Service and of the Biological Survey of the United States Department of Agriculture.

Said applicant, if a non-resident of the State, or a resident for less than six (6) months, immediately preceding his application for a license, and a citizen of the United States, shall pay to the officer countersigning and issuing the license, the sum of Thirty Dollars (\$30.00), as a license fee, and shall obtain a license of Class B, which shall entitle him to hunt, kill, capture, take and possess game, game birds and animals, and to fish with hook and line as authorized by this Act; and such non-resident, on like application and on the payment of the sum of Ten

Dollars (\$10.00) as a license fee, shall obtain a Class C license, which shall entitle him to hunt and kill game birds and small game and to fish with hook and line as authorized by this Act; and such non-resident on like application and on the payment of the sum of Three Dollars and Fifty Cents (\$3.50), as a license fee, shall obtain a Class D license which shall entitle the holder to fish with hook and line as authorized by this Act.

Said applicant if an alien, resident or non-resident, shall pay to the officer countersigning and issuing the license the sum of Fifty Dollars (\$50.00), as a license fee, and shall obtain a Class E license, which shall authorize him to hunt, capture, kill, take and possess game, game birds and game animals, and to fish with hook and line as authorized by this Act; such alien, on the payment of the sum of Ten Dollars (\$10.00), as a license fee, shall obtain a Class F license, which shall entitle him to fish with hook and line as authorized by this Act; provided, however, that any person in possession of first citizenship papers shall not be considered a resident of the State of Montana, for the purposes of this Act.

All money collected for licenses sold, shall be remitted by the State Game Warden to the State Treasurer to be credited to the Fish and Game Fund.

The applicant for a Class G license, or trappers' license, must be the owner and in possession of a Class A license, and upon the payment of the sum of Ten Dollars (\$10.00) to the officer to whom the application for a Class G license is made shall receive and obtain a Class G or trappers' license which shall authorize the holder

thereof to trap fur-bearing animals within the State at such times and in such manner as may be lawful so to do by the laws of this State, and the regulations of the Fish and Game Commission, and at such places as may be designated in said license.

Any person violating any of the provisions hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished accordingly.

Twenty-five cents (25c) out of every fishing and hunting license fee collected shall be set aside as a fund to be used by the Fish and Game Commission for the destruction of predatory animals. The sum of Seven Thousand Five Hundred Dollars (\$7,500.00) of said fund shall be transferred therefrom on or before January first of each year to the Bounty Fund of the State, to be used to pay bounty on predatory animals, as provided by law. Said sum of Seven Thousand Five Hundred Dollars (\$7,500.00) shall be matched with a like sum of the said Bounty Fund money derived from the tax on livestock now provided by law, and said total sum of Fifteen Thousand Dollars (\$15,000.00) or such part thereof as may be necessary, shall be expended for payment of bounties on predatory animals. In the event that there shall be any unexpended portion of said Fifteen Thousand Dollars (\$15,000.00) at the close of any bounty paying season of any year, fifty per cent of such unexpended balance shall be retransferred to the fund for the destruction of predatory animals created herein. Nothing herein contained shall be so construed as to prevent the Livestock Commission from expending from the Bounty Fund any part thereof in excess of Fifteen Thousand Dol-

lars (\$15,000.00), which may be necessary for the purpose of paying bounties; provided, that any person over fourteen and not over eighteen years of age, the holder of a Class A, license, may trap fur-bearing animals within the State at such times and in such manner as may be permitted by law or regulation.

Section 3687. Disposition of Fees. The license fees provided to be paid in this section, shall be remitted by the officers or persons issuing said licenses on the tenth and twenty-fifth days of each month to the State Fish and Game Warden, with a schedule setting forth the name and residence of each licensee, and the serial number and class of, and the amount paid for each license issued. The fee provided to be paid to the officer or person issuing a license shall be retained by him for his compensation. The license fees received by the State Fish and Game Warden shall be remitted on the tenth and twenty-fifth days of each month with a schedule setting forth the name and residence of each licensee, the serial number and class of, and the amount paid for, each license, to the State Treasurer, and placed by him in a special fund known and designated as the State Fish and Game Fund. Said fund is hereby exclusively set apart and made available for the payment of salaries, per diem, fees, expenses and expenditures of every sort and kind whatsoever authorized to be made by the State Fish and Game Commission, and said funds shall be expended for any and all such purposes by said Commission, subject to the proper audit and allowance by the State Board of Examiners.

Section 3688. Form and Contents of Li-

censes. The form of the license shall be determined and the license blanks prepared by the Commission and by it furnished to the officers and persons authorized to issue the same. Said licenses shall be issued in the name of the Commission and be countersigned by the officer or person issuing the same. Each license issued shall be signed by the licensee in ink or indelible pencil on the face thereof.

Section 3689. Carrying and Exhibiting License. No person to whom a license has been issued shall be entitled to take fish, birds or animals in this State unless at the time of such taking he shall have such license in his possession, and shall exhibit the same for inspection to any warden or other officer or person requesting to see the same.

Section 3690. Termination of License. Such licenses shall be void after the thirtieth (30th) day of April next succeeding their issuance.

Section 3691. Exception. The provisions of this Act shall not apply to persons hunting, killing or trapping predatory animals, prairie dogs, ground squirrels, skunk, weasel, jackrabbit, pocket-gophers, hawks, crows or magpies, which may be killed, taken, trapped, possessed, bought, sold or transported in any manner, at any time, or to persons under fifteen (15) years of age, who may hunt, kill and capture game animals, fur-bearing animals, game birds and fish during the open season without a license.

Section 3692. Alteration or Transfer of License. No person shall at any time alter or change in any material manner, or loan or transfer to another, any license, issued in pursuance to the provisions of

this Act, nor shall any person other than the person to whom it is issued use the same. Any person who shall swear or affirm to any false statement in application for a hunting, fishing or trapping license, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished accordingly. Any false statement contained in any application for such license shall render the license null and void.

Section 3693. Report. On the thirtieth (30th) day of April of each year, each Deputy or Special Deputy Fish and Game Warden and each other officer or person authorized to issue licenses, shall detach the stubs of licenses issued by him, and forward the same, together with all unused licenses, securely attached to a report of the number issued and the amount of license money received, to the State Fish and Game Warden, whose duty it shall be to see that proper returns are made to him by all such wardens, other officers or persons; and the State Fish and Game Warden shall recapitulate and tabulate the total number of licenses of all kinds issued in the State and the fees received therefor, and he shall include such data in his report remitting the fees to the Treasurer.

Section 3694. Manner of Taking Fish and Game. It shall be unlawful and a misdemeanor punishable as in this Act hereinafter provided, for anyone to take, capture, shoot, kill or attempt to take, capture, shoot, or kill any game or fur-bearing animals or game birds from any automobile or by the aid or with the use of any set-gun, jack light, or other artificial light, trap, snare or salt lick, nor shall any such

set-gun, jack light, or other artificial light, trap, snare, salt lick, or other device to entrap or entice game animals or game birds be used, made or set; provided, however, that this does not prohibit the shooting of wild waterfowl from blinds or over decoys with a gun only, not larger than a number 10 gauge, fired from the shoulder; nor shall game birds or game animals be killed or hunted from an aeroplane, power boat, sailboat, or any boat under sail or any floating devices towed by a power boat or sailboat; nor shall any person take into a field or forest or have in his possession while out hunting, any device or mechanism devised to silence or muffle or minimize the report of any firearm, whether such device or mechanism be operated from or attached to any firearm; nor shall any person chase or run with dogs any of the game or fur-bearing animals as defined by the Fish and Game Laws of this State, provided, however, that a person may take game birds and small game animals during the open season therefor, with the aid of a dog and any person or association organized for the protection of game, may run field trials at any time upon obtaining written permission from the State Fish and Game Warden.

It shall hereafter be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to capture or take from the public waters of this State more than forty (40) fish in the aggregate, with a net weight of twenty (20) pounds and one (1) fish in any one day, of the variety of fish designated herein as game fish, nor more than five (5) such game fish which are less than seven (7) inches in length, except sunfish, yellow

perch, ring perch, and bass, in any one day. It is hereby declared to be the intention of this Act to provide that forty (40) fish, with a net weight of not more than twenty (20) pounds and one (1) fish of any and all the game fish, shall constitute the limit for a day's fishing. It shall be unlawful and a misdemeanor, punishable accordingly, for any person to be in the possession of more than five (5) game fish which are less than seven (7) inches in length, or more than forty (40) fish in the aggregate, or more than twenty (20) pounds net and one (1) fish of any and all kinds of game fish at any one time; this section shall apply to both fresh game fish, and to game fish which have been dried, salted or otherwise cured, except that any person legally entitled to take game fish as herein provided may also have in his possession dried, salted or otherwise cured game fish not to exceed twenty-five (25) pounds in addition to the daily limit of fresh game fish herein provided for; provided, however, that it will be lawful to catch whitefish and ling in the Yellowstone and Missouri Rivers, and ling in the Kootenai River, at any season of the year, with hook and line only.

Game fish shall be taken only by angling, that is by hook and line in hand, or rod in hand; this does not prevent, however, the use of a landing net or gaff to land a game fish, after the same has been hooked by angling as above specified, nor does it prevent the taking of minnows other than game fish variety by the use or aid of a small hand net.

It shall be unlawful to catch any game fish through the ice, except in such waters as are designated under proper order of

the State Fish and Game Commission. In case any game fish is unintentionally taken contrary to the prohibitions or restrictions contained in this Act, such fish shall be immediately liberated and returned to the water without unnecessary injury. Any person who shall take, capture, shoot, hunt, or kill any fish, game, game birds or fur-bearing animals of this State in any manner contrary to the provisions of this Act, shall be deemed guilty of misdemeanor, and on conviction, shall be punished accordingly; providing, however, that it shall be unlawful and a misdemeanor, punishable accordingly, for any person between the fifteenth (15) day of March and the twentieth (20) day of May, both dates inclusive, of the same year, to catch or attempt to catch, in the public waters of this State any fish whatsoever, except when license has been given to seine or net carp, buffalo and suckers, provided, however, the Fish and Game Commission shall have the power to change or suspend the closed season on game fish so as to meet local conditions.

Section 3695. Any person who owns or lawfully controls an artificial lake or pond may stock the same with fry procured from the Federal or from the State Government at the prevailing market price, providing there is a surplus of said fry, or from any other lawful source, and shall thereafter have the right and privilege to take from said lake or pond in any manner, except by the use of poison or explosives, the fish therein contained, and to sell and dispose of said fish and of eggs and fry therefrom. The words "artificial lake or pond" as herein used shall not be construed to include any natural pond or body

of water created by natural agencies, but shall be limited only to such bodies of water as are created by the artificial diversion or storage of water and shall not exceed 100 acres of surface area.

Provided, however, that such owner shall procure a license in the manner provided by the laws of the State of Montana, and shall furnish a good and sufficient bond to the State of Montana, in the sum of Two Hundred Dollars (\$200.00), conditioned to the effect that he will not sell fish caught in any of the public waters of this State, and also conditioned to the effect that such owner or holder will report to the State Game Warden the quantity of fish, fish eggs and spawn taken from said lake or pond, and sold from and planted in, said lake or pond during any calendar year. Said report to be made under oath annually in the month of January of each year.

Section 3696. Open Season for Elk. The open season for elk shall begin October fifteenth (15th) and end November fifteenth (15th) both dates inclusive, of each year. The closed season for elk shall begin November sixteenth (16th) of each year, and end October fourteenth (14th) of the following year, both dates inclusive. During the open season for elk it shall be unlawful for any person to shoot, or kill, or cause to be shot, or killed more than one (1) elk. During the closed season for elk it shall be unlawful to hunt, shoot, kill, or capture or cause to be shot, killed or captured any elk. It shall be unlawful for any person responsible for the death of any elk to wilfully waste any portion or portions of said elk which are suitable for food; provided, also that it shall be un-

lawful and a misdemeanor, punishable as in this act provided, for any person at any time to hunt for, shoot, kill, or capture, or cause to be shot, killed or captured, any elk within the limits of the counties and the parts of counties hereinafter described and which are designated hereby as "Preserve for Elk", the same to remain closed until opened by the State Legislature, or by order of the State Fish and Game Commission.

The following named counties, as a whole: Deer Lodge, Fergus, Choteau, Valley, Golden Valley, Daniels, Roosevelt, Fallon, Wibaux, Richland, Granite, Phillips, Stillwater, Sanders, Silver Bow, Broadwater, Musselshell, Hill, Sheridan, Judith Basin, McCone, Big Horn, Lincoln, Rosebud, Mineral, Beaverhead, Powder River, Garfield, Carbon, Cascade, Meagher, Blaine, Yellowstone, Liberty, Carter, Custer, Prairie, Dawson, Toole, Ravalli, Treasure, Wheatland, Lake, and Sweet Grass.

All of Lewis and Clark County, except that portion lying and being within the following described boundaries: Beginning at a point where the Big Blackfoot River intersects the county line between Lewis and Clark and Powell counties, running thence up the north bank of the Blackfoot River to the mouth of Cadotte Creek, thence up Cadotte Creek to the top of the Continental Divide, thence northerly along the Continental Divide to Scapegoat Mountain where the headwaters of the North Fork of the Blackfoot begin, thence down the North Fork of the Blackfoot River to its intersection with the county line between Lewis and Clark and Powell counties, thence along the said county line to the point of beginning; also

that portion of Lewis and Clark County lying north of the North Fork of the Dearborn River not included within a game preserve.

Provided, however, that in the last preceding described territory in Lewis and Clark County the open season shall begin November first (1st) and end November fifteenth (15th), both dates inclusive, each year.

Also all of Missoula and Powell Counties, except the drainage area of the Clearwater River and its tributaries and that portion of said counties north of the Big Blackfoot River and east of the drainage area of the Clearwater River and except that portion of Missoula County within the drainage area of Swan River and its tributaries and except that portion of Missoula and Powell Counties within the drainage area of the South Fork of Flathead River and its tributaries.

Provided, however, that all of Gallatin County shall be open to Elk hunting during the dates herein specified, except that portion lying north of the township line between townships three and four north.

Provided, however, that all of Jefferson County shall be open to the hunting of bull elk carrying visible horns between the dates of November 12th and November 14th, both dates inclusive.

Provided, further, that nothing herein shall be construed to authorize the hunting of game of any kind within the Spotted Bear Game Preserve, the Sun River Game Preserve, or the Gallatin Game Preserve, or any other game preserve or refuge now established or which may hereafter be established by the State Legislature or by orders of the Fish and Game Commission.

Provided further, that elk may be killed as provided herein, in the County of Park, up to and including the twentieth (20th) day of December of any year, except that the State Fish and Game Commission shall, in its discretion, have power to shorten such season and declare said Park County closed to the hunting or killing of elk at any time during the open season in Park County, upon giving no less than five (5) days notice thereof by publishing such notice in at least one newspaper of general circulation published in said Park County, which said publication shall be at least five (5) days prior to the time fixed by such commission for the closing of such season. And provided, further, that it shall be unlawful and a misdemeanor, punishable as in this section provided, for any person to shoot or kill or attempt to shoot or kill any elk in Park County between the hours of Five (5) P. M. of any day and Eight (8) A. M. of the following day, Mountain Time. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not less than thirty (30) days or not more than six (6) months, or by both such fine and imprisonment.

Section 3697. Open Season for Deer. The open season for deer shall begin October 15th and shall end November 15th, both dates inclusive, of each year. The closed season for deer shall begin November 16th of each year and end October 14th of the following year, both dates inclusive; provided, however, that in all of that portion

of Ravalli County drained by the West Fork of the Bitter Root River, the open season for deer shall begin with the 20th day of September and end with the 20th day of October, both dates inclusive, of each year, and provided further, however, that it shall be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to shoot, hunt, kill, take or capture, or cause to be shot, killed, taken, or captured any deer, at any time within the counties of Yellowstone, Rosebud, Custer, Musselshell, Powder River, Carter, Richland, Roosevelt, McCone, Dawson, Carbon, Teton, Phillips, Prairie, Garfield, Treasure and Valley, and within all of that portion of Fergus County lying north of the township line between township 18 and 19 and east of the range line between ranges 24 and 25 in said County, also all of Glacier and Pondera Counties lying within the Lewis and Clark National Forest; and also all of that portion of Gallatin County lying and being north of the south line of township 4 north, M. P. M.

During the closed season for deer it shall be unlawful for any person to take, hunt, shoot, kill, or capture, or cause to be taken, hunted, shot, killed or captured any deer; during the open season for deer it shall be unlawful for any person to shoot or kill or cause to be shot or killed any deer other than one male deer with horns not less than four (4) inches in length above the top of the skull. Provided, however, that it shall not be unlawful to take one deer of either sex in Mineral, Lake, Flathead, Lincoln, Sanders and Ravalli Counties. It shall also be unlawful and a misdemeanor punishable as in this Act here-

inafter provided, for any person responsible for the death of any deer to wilfully waste any portion or portions of said deer suitable for food.

Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as in this Act hereinafter provided.

Section 3698. Destroying Evidences of Sex, a Misdemeanor. Any person killing any deer within this State who shall destroy such evidence of the sex of the deer so killed as to make the determination of the sex thereof uncertain, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as in this Act hereinafter provided.

Section 3699. Closed Season for Rocky Mountain Sheep and Goats. The entire State of Montana is hereby closed to the shooting, killing, taking, or capturing of any Rocky Mountain sheep or goats; provided, however, that the State Fish and Game Commission shall have the jurisdiction, power, and authority to open for limited periods of time any county in the State or any portion thereof to the shooting, killing, taking, or capturing of any Rocky Mountain sheep or goats, and to establish bag limits. During the closed season for said Rocky Mountain sheep or goats herein named, which said closed season shall be all of that season or period of the year and not declared and ordered open by said Commission, it shall be unlawful, and a misdemeanor for anyone to shoot, kill, take, or capture, or cause to be shot, killed, taken, or captured any of the Rocky Mountain sheep or goats of this State, and any one violating any of the

provisions of this section or the orders, rules, or regulations of the Commission relating hereto shall be guilty of a misdemeanor and upon conviction thereof shall be fined by a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00), or not less than ten (10) days imprisonment in the county jail nor more than ninety (90) days imprisonment in the county jail, or by both such fine and imprisonment.

Section 3700. Closed Season for Certain Game Birds. Any person who, at any time within this State, hunts, shoots, kills, captures, or causes to be shot, killed, or captured, any quail or Chinese or Mongolian pheasant, commonly called ring-necked pheasants, Hungarian partridge, or ptarmigan, or has in his possession any such bird, or any part of any such bird, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment.

Section 3701. Open and Closed Seasons for Grouse. The open season for sharp tailed grouse, blue grouse, ruffed grouse, commonly called pheasant, or partridge, prairie chicken, sage hen, sage grouse, or fool hen, shall begin on the Fifteenth (15th) day of September of each year and end on the Twenty-fourth (24th) day of September of the same year, both dates inclusive. The closed season for the game birds named herein shall begin on the Twenty-fifth (25th) day of September of each year and end on the Fourteenth (14th) day of September of the following year,

both dates inclusive. During the open season for the game birds named herein it shall be unlawful for any person in any portion of the State of Montana to shoot, kill, or capture, or cause to be shot, killed or captured, more than five (5) sharp tailed grouse, blue grouse, ruffed grouse, commonly called pheasant or partridge, prairie chicken, sage hen, sage grouse or fool hen in the aggregate of all kinds in any one day; it shall be unlawful for any person to have in his possession more than five (5) of any such birds in the aggregate of all kinds at any one time. During the closed season for the game birds herein named it shall be unlawful to shoot, kill or capture, or cause to be shot, killed or captured, any of the game named herein.

Any person violating any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished accordingly, provided, however, that the Commission shall have the power to advance the date of the open season on sage grouse in certain counties when said Commission feels convinced that such change is necessary and meets with the approval of the sportsmen and property owners in such community; provided, however, it shall be unlawful to kill grouse in Toole County at any time.

Section 3703. Closed Season and Bag Limits on Migratory Game Birds Any person who, during the period beginning the sixteenth (16th) day of December of any year and the fifteenth (15th) day of September of the following year, both dates inclusive, hunts, kills, or captures, or causes to be shot, killed or captured, any wild ducks, wild geese, brant, Wilson snipe or jacksnipe, blackbellied plover, golden

plover, greater or lesser yellowlegs, rail, coot, or gallinule, or who in any one day during the open season shoots, kills, or captures, or causes to be shot, killed or captured, more than twenty (20) wild ducks, (other than wood ducks), in the aggregate of all kinds, eight (8) wild geese and brant, in the aggregate of all kinds, twenty-five (25) Wilson snipe or jacksnipe, twenty-five (25) rails, coot and gallinule in the aggregate of all kinds, and fifteen (15) blackbellied and golden plovers, and greater and lesser yellowlegs in the aggregate of all kinds, or who hunts, shoots at, captures, kills or attempts to capture or kill any migratory bird on any day except from half an hour before sunrise to sunset during the open season, or who, at any time of year, hunts, shoots, kills, or captures, or causes to be shot, killed, or captured any little brown, sandbill, or whooping crane, swan, woodduck, avocet, curlew, dowitcher, godwit, knot, upland plover, snipe, plover, kildeer, sandpiper, willet, or other shore bird except blackbellied and golden plovers, greater and lesser yellowlegs, and Wilson snipe or Jacksnipe, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished accordingly Waterfowl when taken in accordance with the provisions of the law may be possessed by the person so taking during the open season where killed and for an additional period of ten days next succeeding December 31st.

Section 3704. Open Season for Fur-Bearing Animals. Any person who between the first (1st) day of May of any year and the first (1st) day of Novmeber of the same year, shoots, traps, kills, or captures, or causes to be shot, trapped, killed, or cap-

tured, or attempts to shoot, trap, kill or capture any marten, otter, fox, sable, mink, muskrat, or fisher, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as in this Act hereinafter provided. Provided, however, that when it is shown that muskrats are doing severe injury upon, or are a menace to, the structures, canal banks, or other works of an irrigation project or district, any resident land owner on such project or district may kill or trap or cause to be killed or trapped any muskrat upon or in menacing proximity to the structures, canal banks or other works of such project or district during the closed season on muskrats, after having secured from the State Fish and Game Warden a permit to do, except that from June 1st to August 31st, both dates inclusive, of each year, no such permit shall be required. The furs and hides of such animals, legally taken during the open season, may be possessed, bought and sold at any time.

It shall be unlawful and a misdemeanor, punishable as in this Act hereinafter provided, for any person to shoot, trap, kill, or capture, or cause to be shot, trapped, killed, or captured, or to attempt to shoot, trap, kill, or capture any marten until such time as the Commission shall provide an open season on marten, and any person violating the provisions hereof shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as in this Act hereinafter provided.

It shall be unlawful and punishable as in this Act hereinafter provided, for any person at any time to destroy, open or leave open, or partially destroy, the house of any muskrat or beaver.

Section 3705. Costs. In any case where costs have been incurred by a county in a prosecution for the violations of any of the provisions of this Act, or of any other laws of the State of Montana, with reference to fish and game, a cost bill, including the cost of board of a prisoner, shall be prepared and presented to the State Board of Examiners, and if approved by it, the State Treasurer shall thereupon pay the same out of the Fish and Game Fund of the State, to the County Treasurer of the county incurring such costs and expenses.

Section 3706. Penalties. Any person found guilty of a violation of any of the terms of this Act, or of any other violations of the State Fish and Game Laws of the State of Montana, or of the rules, regulations, or orders of the Commission, if the same is defined as a misdemeanor under the terms hereof, shall, unless the punishment is otherwise defined and set forth, be punished by a fine of not less than Twenty-five (\$25.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not less than ten (10) days, nor more than one hundred eighty (180) days, or by both such fine and imprisonment, and in addition thereto, shall, in the discretion of the court, forfeit his license to hunt, fish or trap within this State for a period of one (1) year from date of conviction.

Section 3707. Compensation of Persons issuing Licenses. Any person hereby authorized to issue licenses of any kind, except duly appointed Game and Deputy Game Wardens, shall receive as compensation for issuing such license a sum of ten

cents (\$0.10) for each license so issued. Said compensation to be by such person retained out of each license fee as reported in the manner herein provided for reports of persons authorized to issue licenses.

ALIEN GUN LICENSE LAW.

**No Alien Shall Own or Be in Possession of
Firearms Without First Procuring
License Therefor.
Exceptions.**

H. B. No. 78, S. L. 1913.

Section 3708. There is hereby created a gun license for aliens. No person, not a bona fide citizen of the United States, shall own or have in his possession, in the State of Montana, any gun, pistol, or other firearm without first having obtained from the Fish and Game Warden a license therefor, which said license shall cost the owner of said firearm the sum of Twenty-five (\$25.00) Dollars, and shall expire one year from date of issuance thereof; provided, however, that this section shall not apply to one who has obtained the Fifty (\$50.00) Dollar hunting license required by the laws of Montana; provided, further, that the provisions of this section shall not apply to any alien who is a bona fide resident of the State of Montana, and the owner of not less than one hundred and sixty acres of land therein, nor shall it apply to any settler on the public lands of the State of Montana who shall have begun to acquire lands under the laws of the United States by filing thereon, nor shall it apply to persons engaged in tending or herding sheep or other animals in herd.

Section 3709. Any alien of the United States who shall have in his possession or under his control any gun, pistol or other firearm without having taken out and being at the time in possession of a license as provided in Section 1 of this

Act, shall be guilty of a misdemeanor and be punished by a fine of not less than Twenty-five (\$25.00) Dollars.

Section 3710. It shall be the duty of the Fish and Game Warden and his duly authorized Deputies and of all the peace officers in the State of Montana, to search for and take into their possession any gun, pistol or other firearm found in the possession of any alien not entitled to hold or possess same, and to sell same, and all of the provisions of Section 1959 of the Revised Codes of Montana shall apply to the enforcement of this Act.

Disposition of Fines.

Section 3711. All fines and other moneys collected under the provisions of this Act, when arrest has been made by the Fish and Game Warden and his Deputies, shall be paid into the fund known as the "Fish and Game Fund," and all fines and other moneys collected under the provisions of this Act, where the arrest has been made by peace officers, shall be paid into the school fund of the county where said action is tried or arrest made.

Authorizing the United States to Conduct Fish Hatcheries Within This State.

Section 3712. That the government of the United States, the United States Commissioner of Fisheries and its or his duly authorized agent or agents, be and they are hereby authorized, empowered and granted the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them or any of them, be considered necessary and proper at any United States

fish cultural station that may hereafter be established by the United States government in the State of Montana.

Selling Game Fish or Spawn Unlawful.

Section 3713. Every person who in any way catches any of the fish which in this Act are classified as "game fish" or who shall remove or cause to be removed the eggs or spawn from any of such fish for speculative purposes, for market or for sale, or who shall sell or offer for sale any of the game fish of this State as in this Act defined, or the eggs or spawn therefrom, shall be deemed guilty of a misdemeanor and shall be punished accordingly; provided, however, that this section shall not apply to fish caught in private ponds by the owners thereof nor to the taking of fish by the State authorities for the purpose of obtaining the eggs for propagation in State fish hatcheries, or by any person who receives a permit from the State Fish and Game Commission to take eggs for said purposes.

Section 3714. **Catching Fish Except with Pole, Line and Hook—Use of Seines—Licenses to Use Net—Penalties.** Every person who takes or catches in any of the streams, lakes, or ponds of this State, except with a pole in hand, line and hook, or any person who takes or catches fish with a hook baited with any poisonous substance or by means of dams, or by the use of fish-traps and grab-hooks, seines or similar means for catching fish, is guilty of a misdemeanor. It shall be, however, lawful to use a seine in the Missouri River and also in the Yellowstone River, except in that portion of said river above its confluence with the Big Horn River; provided said

seine has a mesh not less than one and one half ($1\frac{1}{2}$) inches square.

It shall be unlawful, however, to use a seine of less than two and a half ($2\frac{1}{2}$) inch mesh in the following waters: Lake Francis in Pondera County, and Lake Bowdoin and the Nelson Reservoir in Phillips County. All fish so taken by seine, except suckers, buffalo, German carp and squaw fish, shall be returned to the waters from which they are taken, uninjured. Any person desiring to use a net or seine for the purpose of catching fish, not herein designated as "Game Fish" in any of the lakes, ponds, rivers or streams above mentioned, shall make application to the State Game Warden for a license so to do, stating therein the lake, river, pond or stream, in which applicant wishes to catch fish by use of said net or seine; whereupon the said State Game Warden may, in his discretion, and upon the payment of a license fee of Ten (\$10.00) issue to the applicant a license authorizing said applicant to use one (1) seine in any of the rivers, streams, ponds or lakes, above mentioned, as applied for, and the State Game Warden shall issue with each license a metal tag, having a number thereon corresponding with the number of the license issued to such applicant, which shall be by the license, attached to the seine so used, and shall remain on said seine during the time of use, and it shall be unlawful to use any net or seine unless said tag is attached as herein provided, and parties thus engaged must have the necessary license. Said license shall authorize the person to whom issued to use the same for the purpose of catching and selling any fish not herein named as "Game Fish". And

the license shall make monthly reports of fish caught to the State Game Warden. The license herein provided for may be issued and remain in force for the term of one (1) year from and after the date of issue, and shall authorize the holder to ship fish to any point, and may, for cause, be revoked at any time by the State Game Warden.

Said license shall be in substantially the following form:

License to Net Fish No. _____.

Helena, Montana,
Office of the State Game Warden.

This will certify that I hereby license _____ of _____ County of _____ State of Montana, to take by means of a net, fish from the waters of that certain lake, river, stream, or pond, known as and called _____ in _____ county, Montana, for a period of one year; and that when said fish are so taken, that the said _____ may ship to any point.

This license allows the taking of fish by means of a net having not less than two and one-half (2½) inch mesh in the waters above named; and that all fish defined by the laws of Montana as "Game Fish" shall be returned to the waters from which they were taken without injury.

Witness my hand this day of 19.....

State Game Warden.

Any person violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor, and punished accordingly; provided, however, it shall be lawful to use a seine in Flathead Lake for taking of non-game fish and Dolly Varden Trout and Black Bass, all seining in said lake to be done under rules and regulations prescribed by the Commission, and under the supervision of said Commission and all such non-game fish and Dolly Varden Trout and Black Bass so taken may be possessed and sold in such manner and under such restrictions as the Commission may direct.

Game Warden Shall Keep Record of Seining License.

Section 3715. It shall be the duty of the State Game Warden to keep a record of all licenses issued by him for the use of a net for the taking of fish, showing the name of the applicant, the date of issue, the waters to be used in, and when revoked (should same be so revoked) and to pay all fees received for such licenses into the State Treasury to the credit of the Fish and Game Fund.

Revoked License.

Should an application be made for a license by any person who has theretofore had a license revoked for cause, it shall be the duty of the State Game Warden to refuse the same, and no license shall be issued to any person whose license has been revoked for cause.

Unlawful to Have Seine or Net in Possession.

Section 3716. It is unlawful for any person or persons to have in their pos-

session or under their control any seine, net or other similar device for capturing fish. A seine or net found in any vehicle, at the camp, or on the premises of any person shall be prima facie evidence that the said seine, net or similar device belongs to the person or persons occupying said camp or premises; provided, that nothing herein contained shall apply to the owners of private fish ponds as defined under the statute, nor to a person or persons having unexpired seine or net license as provided for in the statutes of Montana; provided, further, that nothing herein contained shall apply to the use, by any person, of a landing net used in connection or in addition to pole, line and hooks, in fishing for game fish.

Penalty.

Any person or persons convicted for a violation of this section shall be deemed guilty of a misdemeanor and punished accordingly.

Section 3717. Use of Explosives or Poison Prohibited. If any person or persons shall use any giant powder or other explosive compounds, or any corrosive or narcotic poison, or other deleterious substance for the purpose of catching, stunning, or killing fish, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term of not less than thirty (30) days, nor more than six (6) months, or by both such fine and imprisonment."

Dumping of Refuse in Streams or Lakes Prohibited.

Section 3718. No person or corporation operating a saw mill on or near any stream, pond, lake or river shall hereafter dump, drop, cart or deposit, or cause to be dumped, dropped, carted or deposited sawdust, bark, shavings, oil, ashes, cinders, or debris in or near any such stream, pond, lake, or river, in such manner or place as will likely result or cause the same to be carried into the waters of any such stream, pond, lake or river; and any person so doing shall be deemed guilty of a misdemeanor, and upon conviction punished accordingly.

Unlawful to Kill Moose, Buffalo, Caribou or Antelope.

Section 3719. Any person who wilfully shoots or kills, or captures or causes to be shot or killed or captured, any moose, bison, buffalo, caribou or antelope, (and it is hereby made unlawful to kill any of said animals except as hereinafter stated) is guilty of a misdemeanor and shall be punished accordingly.

Beaver.

Section 3722. **Protection of Beaver—Beaver License.** Any person who shall take, trap, kill, capture or in any way destroy any beaver in the State of Montana, except as hereinafter provided, shall be guilty of a misdemeanor and shall be punished accordingly.

Provided, that any bona fide owner or lessor of real estate who is being actually damaged by beaver may apply to the State Game Warden for a license and permit to

destroy the beaver on his own premises only, and any person receiving a license and permit and who shall trap or take beaver other than on his own premises, shall be guilty of a misdemeanor. The word "premises" shall be construed to mean, under the head of any irrigation ditch and Right of Way appurtenant to the land for which said license and permit are issued.

That the State Game Warden must, in person or by Deputy, examine the premises and investigate the alleged damage before issuing a license and permit, and may send a trapper to trap the beaver found to be doing damage. The skins taken from said beaver shall be sold to the best advantage and the money for the same paid into the Fish and Game Fund.

The person making application for a permit to trap beaver shall pay therefor to the State Game Warden the sum of Ten Dollars (\$10.00) and shall properly care for all skins taken under said permit, and shall as soon as cured send the same to the State Game Warden, with a report, giving permit number and where and the date caught. The State Game Warden, or his Deputy shall tag the skins so received and shall use a metal tag for each skin, said tag to be consecutively numbered and securely attached to every skin. A record of all skins so tagged shall be kept by the State Game Warden which shall show license number under which the skins were caught, the name of the person to whom the permit was issued and the number of the tags fastened to the skins. The skins shall then be returned to the owner who shall pay all transportation charges both ways and shall pay to the State Game

Warden Fifty Cents (\$0.50) for each skin so tagged. The skin when so tagged may be sold, shipped or traded within the State of Montana, but should the owner wish to ship the beaver skins out of the State of Montana, he shall apply to the State Game Warden for a shipping Permit and shall give the consecutive numbers of the meta tags on the skins and shall pay Fifty Cents (\$0.50) for the permit for each shipment.

Any beaver skins taken or found in this State or which have been shipped out of this State otherwise than provided in this Act, shall be subject to seizure and may be sold by the State Game Warden to the best advantage and the proceeds of the sale shall be turned into the State Treasurer to be credited to the Fish and Game Fund.

All permits expire May first (1st). Skins not reported and tagged within sixty (60) days after permit expires, will be subject to seizure and sale.

Section 3723. Certain Wild Birds Protected. Any person who at any time of year shall hunt, capture, kill, or possess any wild bird other than a game bird, or take or destroy the nest or eggs of any wild bird, shall be guilty of a misdemeanor and upon conviction thereof shall be punished accordingly. Provided, however, the provisions of this section shall not apply to the hunting, capturing or killing of English Sparrows, Crows, Hawks, Snow Owls, Great Gray Owls, Great Horned Owls, Blackbirds, Kingfishers, Magpies, and Jays or the taking or destruction of their nest and eggs.

Section 3725. The possession of dead bodies, or any part thereof, of any of the game fish, game birds, game or fur-bearing animals defined by the Fish and Game Laws of the State of Montana, shall be prima facie evidence that such person or persons in whose possession the same are found have killed, caught, or taken the same, and the possession of a fishing rod and line on the banks or shores of a stream or lake shall be prima facie evidence that the person or persons in whose possession the same are found was using the same to fish.

Confiscation, How Sold.

Section 3726. All birds, animals, fish, heads, hides, teeth or other parts of any animal seized by any officer as herein provided, shall be sold, under the direction of the State game warden, or his Deputies at a time, place and manner so as to receive the highest price therefor. Such sales shall be made at public auction to the highest and best bidder, and the Game Warden, or his deputies, shall give notice of the time and place of such sale, together with a description of the bird, or birds, fish, animal or animals, or parts or portions of animals to be so sold by one publication, at least, in a newspaper of general circulation published in the county where such sale is noticed to be held, and the date of sale shall not be less than five, nor more than thirty days after the last date of such publication; provided, that in cases where the property seized is perishable, the same may be sold by such officers without publishing a notice thereof, upon such public notice, and under such terms and conditions as, in the

discretion of the officer, may seem conducive to secure the full value thereof.

Section 3727. Upon the sale of such property, the officer shall issue a certificate to the party purchasing the same, certifying that the purchaser has the legal right to be in possession of the same, and anyone so acquiring said property from the State shall have the right to deal therewith without further question with respect to violation of the law, anything herein to the contrary notwithstanding.

Money from Confiscation Into What Fund.

Section 3728. The money obtained upon the sale of such property shall be paid over to the court before whom the person having the same in possession at the time of seizure is prosecuted, or in which prosecution is pending, and if the person charged with violation of the law is found guilty before said court of violation of the Fish and Game Laws of the State, the money received for the sale of said property shall be paid over to the State Treasurer, and be deposited by him to the credit of the Fish and Game Fund; but should it be found that the party from whom the same was taken was not guilty of any violation of the Fish and Game Laws of this State, said money shall be paid to the party from whom said birds, animals, fish or parts or portions thereof were taken. No officer shall be liable for any damage on account of any search, examination, seizure or sale as herein provided. Where wild animals, game birds or fish are seized as in this Act provided, and the person or persons who killed or captured the same cannot be ascertained, then the money so received from the sale of such

animals, game birds or fish, shall be paid direct to the State Treasurer. The cost of advertising notice of sale, as herein required, shall be paid from the Fish and Game Fund.

Record of Confiscations.

Section 3729. It shall be, and is hereby made, the duty of the State Game Warden, and of every Deputy Game Warden, to make a full and complete record of all property by them, or either of them, confiscated because of a violation of the Fish and Game Laws of this State, showing in detail a description of the property, the person from whom it was confiscated, the price received therefor upon public sale, and the disposition of the money. The State Game Warden shall keep in his office a permanent record showing all property confiscated by him, or any of his Deputies, and the disposition made thereof under the provisions of this Act.

Section 3730. **Shipment of Game Out of State Unlawful.** It is hereby declared to be unlawful and a misdemeanor, punishable accordingly, for any person or persons to ship or take out of the State any of the game or non-game birds, fish, game animals or the skins from fur-bearing animals, or any part thereof, which are mentioned in this Act, except the same be done in the manner provided for herein, and in conformity to the law with reference thereto.

Section 3731. **Permit to Resident to Ship Game.** Any resident of this State who desires to ship out of the State any game animals, game or non-game birds, fish, or the skins of fur-bearing animals, or parts thereof, legally taken or killed dur-

ing the open season for the killing of the same, shall first procure a permit from the State Fish and Game Warden, said permit stating the name of the consignee and consignor, destination and number and kind of game and non-game birds, game animals, fish or fur-bearing animals from which the fur is taken, that is to be shipped and said permit shall be presented to the transportation company with the consignment of game.

Section 3732. Any non-resident of this State who has procured a proper license to hunt or fish within this State, and who desires to ship out of the State any of the game animals, game birds, fish, or any part thereof, with the exception of skins from fur-bearing animals mentioned in this Act, taken or killed by him during the open season for killing the same, the same having been killed lawfully, shall present to the transportation company his license with the consignment of game or fish to be shipped, provided, that no person shall ship in one year more game or fish than it is lawful for one person to kill in a single open season.

Section 3733. All shippers of fish, game, game or non-game birds, or the skins from fur-bearing or predatory animals or parts thereof, by common carrier, are hereby required to label all packages offered for shipment, such label to be securely attached to the address of the package and plainly indicating the complete contents of said package. All persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction punished as in this Act provided.

Carriers Must Not Receive Game for Shipment Without Permit.

Section 3734. Any person or persons, transportation or common carrier company, agent, servant, or employee of any transportation or common carrier company, who shall violate any of the provisions, or any part thereof, contained in this Act, shall be guilty of a misdemeanor and punished as such. All game shipped or had in possession in violation of any of the provisions of this Act may be seized, confiscated, and disposed of, as provided by law.

Section 3735. Any person or persons or the agent of any state, express, or railway company, or association of persons who shall receive, for transportation or carriage, or shall sell or offer for sale any of the game fish that have been taken or killed contrary to the provisions of this Act, knowing or having reason to know or believe that such fish were so illegally caught, taken or killed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as in this Act provided; provided, however, that any person having in his possession a fishing license for the current year may ship not to exceed twenty (20) pounds and one fish of the varieties in this Act designated as game fish, by express, stage, or freight, upon showing said license to any such common carrier or to the agent thereof.

Price of Shipping Permit.

Section 3736. The State Fish and Game Warden shall hereafter make a charge of Fifty (50c) Cents for each and every shipping permit issued by him for the ship-

ment of game or parts thereof out of the State. All moneys so received shall be turned over by him to the State Treasurer at the time and in the manner prescribed by law and the State Treasurer shall place such money to the credit of the Fish and Game Fund.

Restaurant or Hotel Keepers Must Not Sell Game—Exceptions.

Section 3737. It shall be lawful for any merchant, hotel or restaurant keeper to have in his possession, and to offer for sale, and to sell game and game birds provided that said game and game birds are not, and have not been killed within the State of Montana.

Section 3738. It shall be the duty of every merchant, hotel and restaurant keeper having in his possession and offering for sale any game or game birds, to produce upon demand, for the inspection of any Game Warden or Deputy Game Warden or Sheriff, the receipt or record and shipping and transportation receipts required hereby to be kept by him, and failure or refusal to produce the same upon demand, coupled with the possession and offering for sale of game or game birds, shall constitute prima facie evidence of the violation of this Act

Record of Game to Be Kept.

Section 3739. It shall be the duty of every person having in his possession and offering for sale any game or game birds to keep a record showing the amount and kind of game and game birds received by him, together with shipping and transportation receipts showing the true time and place of shipment of said game and game birds.

birds, and the name of the person shipping same; provided, however, that any merchant in Montana selling game or game birds, to any hotel or restaurant keeper or other person, shall, in addition to the record and receipts heretofore required to be kept by him, keep a record of the date of sale, kind and amount of game or game birds and the name of the purchaser, and provided, further, that in the case of hotel and restaurant keepers or other persons buying game or game birds from a merchant within the State of Montana, a receipt from the said merchant showing the date, amount and kind of game or game birds purchased shall be sufficient evidence of compliance with the provisions of this Act by such hotel or restaurant keeper or other person.

Section 3740. Any person who shall have in his possession and offer for sale, or sell any game or game birds without having complied with the provisions of this Act relating to the keeping of a record and shipping and transportation receipts, shall be guilty of a misdemeanor and punished accordingly.

Section 3741. In the construction of this Act the words "Game" and "Game birds" or parts of the same, shall be construed to mean the game animals and game birds, the killing of which is restricted or forbidden by the laws of Montana; and the words "merchant", "Hotel and restaurant keeper", shall include each and every manager, servant, agent, and employer of such person."

Section 3742. **Sale of Game Birds—Game Fish or Animals and Game Specimens Denied.** It is hereby made unlawful for any

person to purchase, sell, offer to sell, possess, ship, or transport for sale, any game fish, wild bird, game animals, or part of a game fish, wild bird, or game animal, protected by the laws of this State or coming from without the State whether belonging to the same or a different specie from that native to the State of Montana. The provisions of this section shall not apply to the plumage of wild waterfowl lawfully killed when purchased or sold for other than millinery purposes or to birds or animals collected or possessed under a permit issued by the proper State authorities for scientific purposes, nor shall the provisions of this section be construed to prohibit the purchase, sale or offering for sale, shipping, transporting, or possessing for sale any head, skin, or scalp, mounted or unmounted or any full sized mount of any game animal lawfully killed, provided the seller, before selling any such specimen shall first obtain from the State Game Warden a permit authorizing him to sell it. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished accordingly.

Definition of "Sale."

Section 3743. That the word "sale" as used the Statute Laws of this State touching the sale of game and fish, the sale of which is prohibited by law, does and shall be considered to mean:

1. A contract by which, for a pecuniary consideration, called a price, one transfers an interest in either game or fish.

2. A contract by which, for an article or thing of value, one transfers, barter or exchanges an interest either in game or fish.

Section 3744. Any person or persons, agent or employee, of any stage or express company, or railroad company or association of persons, who shall receive for transportation or carriage, or shall sell or offer for sale, fish or game that have been taken or killed contrary to the provisions of this Act, knowing or having reason to believe that such fish or game were so illegally caught, taken or killed, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished accordingly.

Section 3745. **Guides Must Have Licenses.** No person shall engage in the business of guiding, as the term is commonly understood, without first having procured from the State Fish and Game Warden a Guide's License. Any competent person, who is a bona fide citizen of the State of Montana shall upon the presentation of an affidavit, stating that the applicant is of good moral character and responsible, and signed by three taxpayers of the county in which the applicant lives; and by the applicant making the payment of Ten Dollars (\$10.00) to the State Game Warden, receive from State Game Warden a Guide's License, which shall be good for one year only; provided that upon the payment of Ten Dollars (\$10.00) annually said license may be renewed. Such license shall state the name, age, and place of residence of the holder, and shall further recite that the holder of such license is a person of good moral character.

Section 3746. Any person violating any of the provisions of this Act who shall act as a guide without the necessary qualifications and without the proper compliance with the terms hereof shall be guilty of a misdemeanor and be punished accordingly; and in all cases where a conviction is had the license theretofore issued shall be revoked.

Guides, Who Shall Be Termed.

Section 3747. Any person who shall, for pay, aid or assist any person or party, in locating, pursuing, hunting or killing any of the game birds or animals mentioned in this Act, shall be deemed a guide within the meaning of this section.

Section 3748. Any person who shall engage in the business of packing for hunting parties, as the term is commonly understood, or who shall, for pay, accompany such parties as guide, packer, or cook, shall be considered a guide and shall come within the requirements of this Act; provided, however, that it shall be necessary only for one of the persons above named with each and every hunting party to have fulfilled the requirements of this section.

Section 3749. Whenever a guide is employed by any person or party, such guide shall at the expiration of the period of the time for which he was employed, make a written statement to the State Game Warden, stating the number of days he was employed, the number of persons guided, their names, residences, and the number of each kind of game killed, and if non-residents, the number of their licenses.

Guides, Responsible for What.

Section 3750. And person acting as guide for any person or party shall be equally responsible with such person or party, for any violation of the law; any such guide who shall wilfully fail or refuse to report any violation of the law, by the said person or party employing him, shall be liable to the penalties as hereinafter provided.

Section 3751. **Taxidermists to Procure License.** Any person who shall engage in, or who is at the present time engaged in conducting any taxidermist business, as the term is generally understood, or any person who conducts a business for preparing any of the dead bodies of any birds, or animals, or any part thereof, mentioned in the Game Laws of this State, must first obtain from the State Fish and Game Warden a Taxidermist's License, and shall pay an annual license fee of Fifteen Dollars (\$15.00) therefor. Such person shall, on the first day of each month, make a written report to the State Fish and Game Warden, of all the articles of game, the kind and number of each, by whom owned, and the residence of owner, received during the past month, also of all the articles of game shipped and to whom and where shipped during the last month; also the amount and kind of each on hand on the last day of the month, and by whom owned and owner's address. Any person violating the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be punished accordingly, and in all cases of conviction their licenses shall be revoked.

Section 3753. Disposition of Fines, Bonds and Penalties. All fines, bonds and penalties mentioned in any section of this Act may be collected by civil action in the name of the State of Montana in any court of competent jurisdiction upon proper complaint being filed, and the amount of all fines and bonds collected under the provisions of this Act shall be paid to the State Game Warden, and by him paid to the State Treasurer and by him placed to the credit of the fund to be known as the Fish and Game Fund. All such fines, bonds and costs shall be collected without stay of execution, and the defendant, or defendants, may by order of the court be confined in the county jail of the county until such fine and costs are served out at the rate of \$2.00 per day.

Section 3754. That in all cases where there is a prosecution for the violation of Fish and Game Laws, and costs have been incurred therein, a cost bill shall be prepared, including the cost of board of prisoners, and presented to the State Board of Examiners, and if by them allowed, the State Treasurer shall thereupon pay the same out of the State Game and Fish Fund to the County Treasurer of the county wherein such costs were incurred.

Common Carriers May Transport Game for Stocking Purposes Free of Charge.

Section 3755. That nothing in the provisions of Chapters 4 or 5, Title VIII, of the Political Code of the Revised Codes of Montana of 1907, or of Chapter 136 of the Session Laws of the Twelfth Legislative Assembly, or in any of the other provisions of the Laws of Montana, shall be

construed to prevent, or shall prevent, the carriage or storage or handling of property, by railroads or other common carriers free or at reduced rates, for the Government of the United States or of the State of Montana, or for the owner or owners of any fish hatchery within this State, or any anglers' association, or sportsmen's club organized and existing therein, or of the State Fish and Game Warden, whenever such property is being used for the exclusive purpose of stocking or planting with fish or fish eggs the waters within the State of Montana, or restocking the ranges and forests of the State of Montana with elk, deer, mountain sheep, mountain goats, grouse, ducks, or any of the so-called game animals or birds; and nothing therein shall be construed to prevent, or shall prevent, the issuing of free transportation to or the free carriage of, or the selling of tickets at reduced rates to any and all persons while actually engaged in transporting fish or fish eggs, or stocking or planting the waters of this State with such fish or fish eggs, or to any and all persons while actually engaged in transporting and caring for any of the game animals or birds herein mentioned for restocking the ranges, forests and public parks of this State.

Grand Juries and Courts.

Section 3756. It shall be the duty of all grand juries to investigate all infractions of any provisions of this Act, except such cases and violations as may have been tried by a court of competent jurisdiction, and upon due proof of violation of any of the said provisions, they shall proceed to indict such party or parties according to

law, and it is hereby made the duty of the Judge of the District Court to call the attention of the grand jury to the provisions of this Act. The District Court shall have concurrent jurisdiction with Justices of the Peace of all offenses committed under the provisions of this Act.

Indians Subject to Provisions of Game Laws, When.

And it is further provided that in construing this Act, the provisions and penalties hereinbefore made and prescribed shall be deemed and held to include all Indians and half-breed Indians when outside the Indian reservation. It is further provided and declared to be the duty of any Sheriff, of peace officer of any county of this State, and the County Attorneys of the respective counties when it shall have reason to believe that any person has violated any of the sections of this Act, to commence criminal proceedings against them either in the Justice or District Court, as in their judgment shall be proper, and any failure on the part of any County Attorney, Sheriff or other peace officer, or Game Warden, who has knowledge of the violation of any of the provisions of this Act to commence such proceedings, shall be deemed a misdemeanor, and he shall be punished accordingly.

Felony, Procedure.

Section 3757. Whenever it shall appear under any prosecution under any section of this Act making it a felony for the violation thereof, that the crime was committed, or that the game was killed, or the fish caught, in violation of law in any

other state other than Montana, it shall be the duty of the magistrate or the court before whom the trial was had to hold said defendant for at least ten days, and for such further time as may be necessary to allow the authorities of said state wherein the law has been violated, to take the necessary steps to secure the arrest and extradition of the accused, if they so desire; and on the holding of the accused under the provisions of this section, it shall be the duty of the County Attorney or attorney prosecuting to immediately notify the proper officers of the state and county in which it appears the law has been violated, of all the facts and circumstances connected with said proceedings.

Violation of Act in Case of Hunger or Suffering.

Section 3758. When it is shown that any violation of the provisions of this Act was for the purpose of preventing great suffering by hunger, of any person or persons, which could not otherwise have been avoided, the provisions of this Act shall not apply to said case.

Silencer on Firearms Prohibited.

Section 3759. It shall be unlawful for any person to take into the fields or forests, or to have in their possession, while out for the purpose of hunting any wild animals or birds, any device or mechanism, designed to silence or muffle or minimize the report of any firearm, whether such device or mechanism be separated from or attached to any firearm.

Game for Scientific Purposes, How Taken.

Section 3760. It shall hereafter be lawful for the duly accredited representative

of any school, college, university or other institution of learning, who may be investigating a scientific subject making the same necessary, to take, kill, capture and have in his possession for such purpose, any of the birds, fish or animals found in this State, and to take, kill and capture the same in any way, except by the explosion of dynamite; provided, that no more of any such birds, fish or animals shall be taken than are necessary for such investigation, and provided also that any person who shall desire to engage in such scientific investigation shall apply to the State Game Warden for a license so to do. If the State Game Warden is satisfied of the good faith of the applicant, he shall issue to him a permit, which shall place a time limit upon such investigation, and shall place a restriction upon the number of birds, fish or animals, to be taken thereunder; and the person to whom such license is issued shall pay therefor the sum of Five (\$5.00) Dollars, and shall have no right or authority to take, have or capture any other or greater number of the birds, fish or animals than are mentioned in said license. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished accordingly.

Game Preserves.

Section 3761. That there be and hereby are created for the better protection of all of the game animals and birds within the limits thereof, said game preserves within the State of Montana and more particularly hereinafter described as to the exterior limits, and it is hereby declared to be unlawful to hunt for, trap or kill, or cause to be hunted for or killed, any of the ani-

mals herein mentioned or to trap, capture or molest any birds or animals of any kind whatever within the limits of the game preserves hereby created, or to carry or discharge any firearms, or to create any unusual disturbances tending to frighten or drive away any game animals or birds, or to chase the same with dogs or hounds within said preserves; provided, however, that permits to capture animals or birds, for the purpose of propagation, or to destroy mountain lions, wolves, foxes coyotes, wild cat, mink, or other predatory animals or birds, may be issued by the State Game Warden upon the payment of such license fee and in accordance with such regulations as may be established for the administration of said preserves by the State Fish and Game Commission. The game preserves herein would hereby be created and more particularly described as follows:

Little St. Joe Game Preserve.

For the better protection and propagation of game animals and birds, the following described area in Mineral County, State of Montana, is hereby set aside and established as a State Game Preserve, to be known as the Little St. Joe Game Preserve.

Beginning at a point on the west bank of the Missoula river where the divide between Dry Creek and Oregon Creek intersects said river bank; running thence westerly along said Divide to the summit of the Bitter Root Range, which is the line between Montana and Idaho; thence northwesterly along the summit of said Bitter Root Range to a point where the Divide between Little St. Joe Creek and

Two Mile Creek intersects said range; thence northerly along said Divide between the Little St. Joe Creek and Two Mile Creek to a point where said divide intersects the west bank of the St. Regis river; thence down the west bank of the St. Regis river to its confluence with the Missoula river; thence up the south bank of the Missoula river to the point of beginning.

It shall be unlawful for any person to hunt for, trap, capture, kill or take or cause to be hunted for, trapped, or killed any game animal or birds of any kind whatever, within the limits of said Preserve; or -to discharge any fire-arms, or to create any unusual disturbance tending to, or which may frighten or drive away any of the game animals or birds, or to chase the same with dogs or hounds in said Preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or for scientific purposes, or to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink or other predatory animals or birds, or for carrying fire-arms, may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said Preserve by the State Game and Fish Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars, or by imprisonment in the County Jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Wolf Creek Game Preserve.

For the better protection and propagation of game animals and birds, the following described area in Lincoln County, State of Montana, is hereby set aside and established as a State Game Preserve, to be known as the Wolf Creek Game Preserve:

Beginning at the northeast corner of Township Thirty-one (31) North, Range Twenty-six (26) West, in Lincoln County; running thence west to the summit of the divide between the Flathead river and the Kootenai river known as Pinkham Ridge; thence southerly along the summit of said divide to the south line of Township Thirty (30) North; thence east along the said township line to the southeast corner of Township Thirty (30) North, Range Twenty-six (26) West; thence north along the Horse Plains Guide Meridian, which is the line between Flathead and Lincoln Counties, to the point of beginning.

It shall be unlawful for any person to hunt for, trap, capture, kill or take or cause to be hunted for, trapped, or killed, any game animal or birds of any kind whatever, within the limits of said Preserve or to carry or to discharge any fire-arms, or to create any unusual disturbance tending to, or which may frighten or drive away any of the game animals or birds, or to chase the same with dogs or hounds in said Preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or for scientific purposes, or to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink or other predatory animals or birds, or for carrying fire-arms, may be issued by the State Game Warden, upon the payment of

such fee, and in accordance with such regulations as may be established for said Preserve by the State Game and Fish Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or not less than Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Spotted Bear Game Preserve.

For the better protection and propagation of game animals and birds, the following described area in Powell and Flathead Counties, State of Montana, is hereby set aside and established as a State Game Preserve, to be known as the Spotted Bear Game Preserve:

Beginning at the mouth of Cayuse Creek where it flows into the South Fork of the Flathead River, in Powell County; running thence up Cayuse Creek to the summit of the Continental Divide; thence north along the Continental Divide to a point opposite Pentagon Mountain, in Flathead County; thence down Pentagon Creek to its confluence with Spotted Bear Creek; thence down Spotted Bear Creek to the South Fork of the Flathead river; thence southerly up the west bank of South Fork of the Flathead river to the point of beginning.

It shall be unlawful for any person to hunt for, trap, capture, kill or take or cause to be hunted for, trapped, or killed, any game animal or birds of any kind whatever, within the limits of said Pre-

serve; or to discharge any fire-arms, or to create any unusual disturbance tending to, or which may frighten or drive away any of the game animals or birds, or to chase the same with dogs or hounds in said Preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or for scientific purposes, or to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink or other predatory animals or birds, may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said Preserve by the State Game and Fish Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine or not less than Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Teton—Spring Creek Bird Preserve.

For the better protection and propagation of birds, the following described area in Teton County, State of Montana, is hereby set aside and established as a State Bird Preserve, to be known as the Teton-Spring Creek Bird Preserve:

All of Section Two (2), Three (3), Four (4), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), and Fifteen (15), in Township Twenty-four (24) North, Range Five (5) West.

It shall be unlawful for any person to hunt for, trap, capture, kill or take or cause to be hunted for, trapped, or killed,

any birds of any kind whatever, within the limits of said Preserve; or to discharge any fire-arms, or to create any unusual disturbance tending to, or which may frighten or drive away any of the birds, or to chase the same with dogs or hounds in said Preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or for scientific purposes, or to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink or other predatory animals or birds, may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said Preserve by the State Game and Fish Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

1. SNOW CREEK PRESERVE. Beginning at a point on the north bank of the Missouri river, directly across and opposite the point where the dividing line between Hell Creek and Crooked Creek intersects the south bank of the Missouri river; thence southerly across the Missouri River and continuing on top of a divide and forward to the top of the main divide between Big Dry Creek and the Missouri river; thence westerly and on the top of the said last mentioned divide to the top of the divide between Billy Creek and Seven Blackfoot Creek; thence

north on said last named divide to a point on the northern bank of the Missouri river directly opposite and across where said last mentioned divide intersects the said bank; thence westerly along the north bank of the Missouri river following the meanderings thereof to the point of beginning.

Section 3762 PRIOR MOUNTAIN PRESERVE. Beginning at the northwest corner of Section Twenty-seven (27), Township Seven (7), South of Range Twenty-five (25) East; thence south to the southwest corner of Section Three (3) to Township Eight (8), South of Range Twenty-five (25) East; thence east to the southeast corner of Section Three (3), Township Eight (8), South of Range Twenty-five (25), East; thence south to the southwest corner of Section Eleven (11), Township Eight (8), South of Range Twenty-five East; thence east to the southeast corner of Section Eleven (11), Township Eight (8), South of Range Twenty-five (25) East; thence south to the southwest corner of Section Twenty-four (24), Township Eight (8), South of Range Twenty-five (25) East; thence east to the southeast corner of Section Twenty-four (24), Township Eight (8), South of Range Twenty-five (25) East; thence south to the southeast corner of Section Twenty-five (25), Township Eight (8), South of Range Twenty-five (25) East; thence east to that point which when surveyed will be the southeast corner of Section Thirty (30), Township Eight (8), South of Range Twenty-six (26) East; thence south to the point which when surveyed will be the southwest corner of Section Thirty-two (32), Township Eight (8), South of

Range Twenty-six (26) East; thence east to that point which when surveyed will be the southeast corner of Section Thirty-six (36), Township Eight (8), South of Range Twenty-seven (27) East; thence north to that point which when surveyed will be the southwest corner of Section Thirty-one (31), Township Seven (7), South of Range Twenty-eight (28) East; thence east to that point which when surveyed will be the southeast corner of Section Thirty-one (31), Township Seven (7), South of Range Twenty-eight (28) East; thence north to that point which when surveyed will be the northeast corner of Section Twenty-four (24), Township Seven (7), South of Range Twenty-five (25), East; thence south to the Southeast corner of Section Twenty-four (24), Township Seven (7), South of Range Twenty-five (25) East; thence west to the northwest corner of Section Twenty-seven (27), Township Seven (7), South of Range Twenty-five (25) East, to the place of beginning.

Section 3763. SUN RIVER PRESERVE. Beginning at a point on the Continental Divide of the Rocky Mountains, due south of the head or source of the South Fork of the North Fork of the Sun River, in what will be Section Eight (8), Township Eighteen (18), North of Range Ten (10) West, Montana Meridian, when surveyed; thence due north from the crest of the Continental divide to the head of the South Fork of the North Fork of Sun River; thence northerly along and down the course of the South Fork of the North Fork of Sun River, as it winds and turns to its confluence with the North Fork of the North Fork of Sun River; thence

northerly along the course of the North Fork of the North Fork of Sun River as it winds and turns to its head or source; thence due north to the crest of the Continental Divide of the Rocky Mountains; thence along the crest of the Continental Divide of the Rocky Mountains southwesterly and southerly to the place of beginning, intending thereby to include in said game preserve all that territory lying between the said South Fork of the North Fork and the said North Fork of the North Fork of Sun River on the east, and the Continental Divide of the Rocky Mountains on the west.

Section 3764. The Boundaries of Gallatin Game Preserve are hereby established as follows: Commencing at the Southeast corner Section, 19, T. 9 S., R. 8 E., which section corner is on line with the North boundary of the Yellowstone National Park, thence North one mile along East line of said Section, thence West one mile, thence North one mile, thence West two miles, thence North three miles, thence West two miles, thence North two miles to the section corner common to Section 16-17-20 and 21, T. 8 S., R. 7 E., which corner is on the divide between Cottonwood Creek and Spinx Creek, thence West along said divide to the Northwest corner of Section 19, T. 8s., R. 7 E., thence South and West along the divide between Tom Miner Creek, Mol Heron and Specimen Creeks to a point on the Gallatin-Yellowstone divide, which point is North 60° E., 45 chains from the Southwest corner of Section 27, T. 8s., R. 5 E.; thence in a general southwesterly direction, following the top of the divide between Daly and Teepee Creeks and Buffalo Horn Creek a distance of approxi-

mately $4\frac{1}{2}$ miles, to a point on this divide where the township line, between Townships 8 and 9 S., R. 4 E., crosses said divide, which point is 20 chains due west from the southeast corner of Section 36, T. 8 s., R. 4 E., M. M.; thence due west along the township line between Townships 8 and 9 S., R. 4 e., a distance of approximately $1\frac{3}{4}$ miles to a point on the east bank of the Gallatin River, where the township line between Townships 8 and 9 S., R. 4 E., M. P. M. intersects the said river, thence in a southeasterly direction along the east bank of the Gallatin River to a point where the north section line of Sec. 18, T. 9 S., R. 5 E. intersects the Gallatin River, thence due west along said section line and south section lines of Section 11 and 12, T. 9 S., R. 4 E. to a point where said section lines intersect Sage Creek, thence up the east bank of Sage Creek to the confluence of Big Sage Creek and Little Sage Creek, thence south along the divide between the above mentioned creeks to Sage Mountain, which is on the divide between Sage Creek and Cabin Creek, thence east along said divide to the divide between Cabin and Tepee Creeks, thence south along said Divide to the divide between Teepee Creek and Red Canyon Creek, thence south along said divide to the northwest corner of T. 12 S., R. 5 E., thence south a distance of two miles along the west line of said township, thence east a distance of approximately 4 miles to the west boundary of the Yellowstone National Park to the northwest corner of said Park, thence east along the north boundary of said National Park to the place of beginning.

It shall be unlawful for any person to

hunt for, trap, capture, kill or take or cause to be hunted for, trapped, or killed, any game animal or fur-bearing animal or birds of any kind whatever, within the limits of said preserve or to carry or to discharge any firearms, or to create any unusual disturbance tending to, or which may frighten or drive away any of the game animals or birds, or to chase the same with dogs or hounds in said Preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or for scientific purposes, or to trap fur-bearing animals, or to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink or other predatory animals or birds, or for carrying firearms, may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said preserve by the State Game and Fish Commission. Any person violating any of the provisions of this Act shall be guilty of misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall take effect and be in full force from and after its passage and approval.

Section 3765. SNOWY MOUNTAIN PRESERVE. All of that portion embraced within the exterior limits of that portion of the Jefferson Forest Reserve in the Big

Snowy Mountains embraced within Ranges 17, 18 and 19, and the west half of Range 20, East of the Montana Meridian, is hereby designated as the "Snowy Mountain Game Preserve."

Section 3766. HIGHWOOD NATIONAL FOREST. All of that territory embraced within the exterior limits of that portion of the State of Montana, which have heretofore been embraced and which are included within the exterior limits of that territory known as the Highwood National Forest, it being the intent and purpose of this description to include within the said game preserve all of the land which is now embraced within the limits of said National Forest Reserve, except those portions of the same held in private ownership.

Section 3767. POWDER RIVER GAME PRESERVE. Beginning at the southeast corner of Custer county at the Montana-Wyoming State line, thence north and along the north and south line between Custer and Fallon counties, to a point where same dissects the east fork of the Little Powder River, thence following down the center of said stream to the west bank of Little Powder River, thence down the west bank thereof to its confluence with Powder River, thence up the east bank of said Powder River to the junction of Cache Creek therewith, thence up the channel of said Cache Creek and the North Fork thereof to the divide or watershed between Powder River and Tongue River, and thence south along said watershed, to the Montana-Wyoming State line, and thence due east and along said State line to the place of beginning.

Section 3768. FLATHEAD LAKE BIRD PRESERVE. That certain islands, two in number, including Lot One (1) of Block One (1), containing two and fifty-seven hundredths (2.57) acres; Lot Two (2) of Block One (1), containing two and sixty hundredths (2.60) acres; Lot One (1) of Block Two (2), containing one and sixty-five hundredths (1.65) acres, all being in the villa site of Island, situated in Flathead Lake in the County of Flathead, Montana, according to the official plat and survey of said land returned to the General Land Office by the Surveyor General, be and the same are hereby made a perpetual place of refuge for birds of all kinds, the same to be called and known as Flathead Lake Bird Preserve, which said lands shall be specially reserved for the breeding, propagation and protection of all species of birds.

It shall be unlawful for any person to kill, shoot, capture or destroy, or in any way injure any bird on said island, or to interfere with their eggs or nests, or to shoot at, wound or kill any bird within a distance of 400 yards from the shore line of said islands.

It shall be unlawful for any person to kill, shoot, capture or destroy, or in any way injure any bird or animal on the University of Montana Biological Reserve located on the east shore of Flathead Lake, or to interfere with their eggs or their young, or their nests, or to shoot at, wound, or kill any bird or animal within four hundred yards of said University of Montana Biological Reserve, or to discharge any firearms on said reserve or within four hundred (400) yards thereof.

Section 3769. TWIN BUTTES GAME PRESERVE. For the better protection of game animals and birds, the following area in the Lewis and Clark National Forest, in the Rocky Mountains, State of Montana, is hereby set aside and established as a State Game Preserve, to be known as the Twin Buttes Game Preserve, to-wit:

Beginning at the junction of Dearborn River with Falls Creek in what will be Township Eighteen North, of Range Seven, West, Montana Meridian, when surveyed, and running thence southerly along the course of said Falls Creek to its junction with the tributary of said Falls Creek, known as the East Fork, thence due south to the crest of the Continental Divide, thence northwesterly along the Continental Divide to the head of Blacktail Creek, thence northerly along said Blacktail Creek to its junction with said Dearborn River, thence down the said Dearborn River to the place of beginning.

It shall be unlawful for any person at any time to hunt, trap, kill, capture, chase or molest any birds or animals of any kind whatever within the limits of said game preserve, or to discharge any firearms or to create any unusual disturbance tending to frighten or drive away any game animals or any birds within said preserve; provided, however, that permits to capture animals and birds for scientific purposes, or for purposes of propagation, and to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink and other predatory animals or birds may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said preserve by the State Fish and Game Com-

mission. Any person violating any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five (\$25) Dollars, nor more than One Hundred (\$100.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Fifty Dollars nor more than Three Hundred Dollars, or imprisoned in the County jail not less than one nor more than sixty days, or both such fine and imprisonment.

Provided, however, that nothing in this Act shall prevent any authorized official from the University of Montana from taking, capturing or killing any birds in said preserves for scientific purposes only.

SUBDIVISION 1. It shall be unlawful for any person or persons at any time to hunt, trap, kill, capture or chase any game birds or animals of any kind whatsoever, within the limits of the said State Game Preserve; provided, however, that permits to capture game animals and birds for scientific purposes or for purposes of propagation may be issued by the State Game Warden on the payment of the fee of Five (\$5.00) Dollars and in accordance with such regulations as may be established for said preserve, and it shall be lawful to destroy mountain lions, wolves, foxes, coyotes, and wild cats on said preserve.

Any person violating the provisions of this Act shall be deemed guilty of a mis-

demeanor and upon conviction shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars or shall be imprisoned in the county jail for a term of not less than thirty (30) days nor more than six (6) months, or by both fine and imprisonment.

Section 3770. Any person found guilty of a violation of any of the provisions of the foregoing sections relating to game preserves shall be guilty of a misdemeanor, and upon conviction thereof, punished as herein provided.

Section 3771. The "South Mocassin Game Preserve."

Beginning at the northeast corner of Section Thirty (30), Township Seventeen (17) North, Range Eighteen (18) East; running thence in a due westerly course a distance of five (5) miles to the northwest corner of Section Twenty-eight (28), Township Seventeen (17) North, Range Seventeen (17) East; thence south two (2) miles; thence west one-half ($\frac{1}{2}$) mile to the northwest corner of Section Four (4), Township Sixteen (16) North, Range Seventeen (17) East; thence due south a distance of four (4) miles to the Southwest corner of Section Twenty-one (21), Township Sixteen (16) North, Range Seventeen (17) East; thence due east a distance of five (5) miles to the southeast corner of Section Nineteen (19), Township Sixteen (16) North, Range Eighteen (18) East; thence due north a distance of four (4) miles to the northeast corner of Section Six (6), Township Sixteen (16) North, Range Eighteen (18) East; thence due east one-half ($\frac{1}{2}$) miles to the southeast corner of Section Thirty-one (31),

Township Seventeen (17) North, Range Eighteen (18) East; thence due north two (2) miles to the northeast corner of Section Thirty (30) Township Seventeen (17) North, Range Eighteen (18) East, Montana Principal Meridian, the place of beginning.

Section 3772. It shall be unlawful for any person at any time to hunt, trap, kill, capture, chase or molest any game animals or game birds whatever within the limits of said game preserve, or to discharge any firearms or to create any unusual disturbance tending to frighten or drive away any game animals or any game birds within said preserve; provided, however, that permits to capture and destroy mountain lions, wolves, foxes, coyotes, cats, wild cats, mink and any other predatory animals may be issued by the State Game Warden upon the payment of such fee, and in accordance with such regulations as may be established for said preserve by the State Fish and Game Commission. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail not to exceed ninety (90) days, or by both such fine and imprisonment.

CHAPTER 114.

AN ACT CREATING A GAME AND BIRD PRESERVE IN THE COUNTY OF TE TON, STATE OF MONTANA.

**Be It Enacted by the Legislative Assembly
of the State of Montana:**

Section 3773. That Township Twenty six (26), North of Range Eight (8), West of the Montana Meridian, in Montana, be and the same is hereby created a Game and Bird Preserve, to be known as the "Blackleaf Preserve," within the County of Teton, State of Montana, and it is hereby declared to be unlawful to hunt for, trap or kill, or cause to be hunted for, trapped or killed, or to trap, capture or molest any of the game animals or birds of any kind whatever within the limits of said Game and Bird Preserve hereby created, or to interfere with nests or eggs of such birds, or to carry or discharge any fire arms, or to create any unusual disturbances tending to frighten or drive away any game animals or birds, or to chase the same with dogs or hounds within said preserve; provided, however, that permits to capture animals or birds for the purpose of propagation, or to destroy mountain lions, wolves, foxes, coyotes, wild cat, mink, or other predatory animals or birds may be issued by the State Game Warden upon the payment of such license fee and in accordance with such regulations as now are or may be established for the administration of Game and Bird Preserves by the State Fish and Game Commission.

Section 3774. Any violation of any of the provisions of this Act shall be a mis

demeanor, and upon conviction shall be punishable by a fine of not less than Twenty-five (\$25.00) Dollars, nor more than Five Hundred (\$500.00), Dollars, or by imprisonment in the county jail or not less than ten (10) days nor more than one hundred (100) days. or by both such fine and imprisonment.

This Act shall be in full force and effect from and after its passage and approval.

Approved February 26, 1921.

CHAPTER 224.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 3775. For the better protection of fish and game animals and birds, the following described area in the Beaverhead National Forest, in Beaverhead County, State of Montana, is hereby set aside and established as a State Fish and Game Preserve, to be known as the Beaverhead Fish and Game Preserve:

Beginning at a point on the base line at the southwest corner of Section Thirty-six (36), Township One (1) North, Range Twelve (12) West; thence north one (1) miles to the northwest corner of said Section Thirty-six (36); thence west two (2) miles to a point which, when surveyed, will be the southwest corner of Section Twenty-seven (27), Township One (1) North, Range Twelve (12) West; thence north four (4) miles to the southwest corner of Section Four (4), Township One (1), North, Range Twelve (12) West; thence west one (1) miles, more or less, to the southwest corner of said Section

Four (4); thence north one (1) mile, more or less, to the northeast corner of Section Five (5), Township One (1) North, Range Twelve (12) West; thence west two (2) miles, more or less, to the northwest corner of Section Six (6), Township One (1) North, Range Twelve (12) West; thence south one (1) mile, more or less, along the township line dividing Ranges Twelve (12) and Thirteen (13) West to the southeast corner of Section One (1), Township One (1) North, Range Thirteen (13) West; thence west one (1) mile to the southwest corner of said Section One (1); thence south one (1) miles to the southeast corner of Section Eleven (11), Township One (1) North, Range Thirteen (13) West; thence west one (1) miles to the southwest corner of said Section Eleven (11); thence south four (4) miles to the southwest corner of Section Thirty-five (35), Township One (1) North, Range Thirteen (13) West; thence west along the base line to a point which, when surveyed, will be the northwest corner of Section Three (3), Township One (1) South, Range Thirteen (13) West; thence south four (4) miles, more or less, to a point which, when surveyed, will be the southwest corner of Section Twenty-two (22), Township One (1) South, Range Thirteen (13) West; thence east seven (7) miles, more or less, to a point which, when surveyed, will be the southeast corner of Section Twenty-two (22), Township One (1) South, Range Twelve (12) West; thence north one (1) miles, more or less, to a point which, when surveyed, will be the northeast corner of Section Twenty-two (22), Township One (1) South, Range Twelve (12) West; thence east two (2)

miles, more or less, to the southwest corner of Section Eighteen (18), Township One (1) South, Range Eleven (11) West, surveyed; thence north two (2) miles, more or less, to the northwest corner of Section Seven (7), Township One (1) South, Range Eleven (11) West, surveyed; thence west one (1) miles, more or less, to a point which, when surveyed, will be the southwest corner of Section One (1), Township One (1) South, Range Twelve (12) West, unsurveyed; thence north one (1) mile, more or less, to a point on the base line which, when surveyed, will be the northwest corner of Section One (1), Township One (1) South, Range Twelve (12) West; thence west one-quarter ($\frac{1}{4}$) mile, more or less, along the base line to the southwest corner of Section Thirty-six (36), Township One (1) North, Range Twelve (12) West, the place of beginning.

Section 3776. It shall be unlawful for any person at any time to hunt, trap, kill, capture, molest, catch or take any fish or game animals or birds of any kind whatever, within the limits of said Fish and Game Preserve, or to discharge any firearms or create any unusual disturbances tending to frighten or drive away any game animals or birds within said preserve; provided, however, that permits to capture animals, birds or fish for scientific purposes, or for purposes of propagation, and to destroy mountain lions, wolves, foxes, coyotes, wild cats, mink and other predatory animals or birds may be issued by the State Game Warden, upon the payment of such fee, and in accordance with such regulations as may be established for said preserve by the State Fish and Game Commission. Any person

violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars, nor more than One Hundred Dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months or by both such fine and imprisonment

This Act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1921.

GAME RAISING.

"Section 3777. **License for Breeding and Propagating Game Birds, Game and Fur-Bearing Animals.** It shall hereafter be lawful for any person or persons, company, or association to engage in the business or occupation of propagating, owning and controlling wild game birds, game and fur-bearing animals of the State of Montana, upon premises wholly owned, leased or controlled by such person or persons, company or association in said State of Montana, under such regulations as may be prescribed by the Fish and Game Commission, and the supervision of said State Fish and Game Warden, upon payment of an annual fee of Five Dollars (\$5.00) any applicant shall file with the Commission, a statement of the place where he will conduct such business, and game and fur proposed to be raised on said premises, and shall for this purpose obtain a permit from the Fish and Game Commission which permit shall be issued by said

Commission, to capture alive in season or out of season such game birds, or game or fur-bearing animals as may be necessary for foundation stock for such game or fur farm. Such permit, however, shall limit the number of game birds or game or fur-bearing animals that may be so captured; the applicant shall be required to show that he has so fenced the place where such game or fur-farm is located that no wild or public animal or bird can mix with those confined by him and when license has been issued and a permit has been given to capture certain fur-bearing animals for foundation stock, said animals shall be subject to the same royalty or tax as the skins of the same animals are subject to. When the provisions of this Section have been complied with the product of such game or fur-farm may be dealt with and sold as private property, but every sale must be reported to the State Game Warden, and he shall make an annual report of his said game or fur business to the Fish and Game Commission.

Any person or persons who at any time hereafter, in any part of the State of Montana, without the consent of the owner or caretaker of any enclosure within which fur-bearing animals are kept for breeding purposes, and on the fence of which enclosure are kept posted notices forbidding trespassing on the premises where the said animals are kept, and plainly discernible at a distance of not less than twenty-five yards therefrom, shall pass within the said fence or such enclosure or climb over, break or cut through the same for the purpose of entering the said enclosure, or for any other purpose whatsoever, shall be guilty of an offense and

liable to the penalty hereinafter provided.

Section 32. That Section 3702 of the Revised Codes of Montana, 1921, as amended by Chapter 77, Session Laws of the Eighteenth Legislative Assembly, State of Montana, 1923, and Sections 3720 and 3721, Revised Codes of Montana, 1921, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Section 33. If any Section, sub-section, Sentence, Clause, or Phrase of this Act is for any reason held to be unconstitutional or inoperative, such decision shall not affect the validity of the remaining portions of this Act.

Section 34. This Act shall take effect, and be in full force and effect from and after its passage and approval.

SUMMARY OF THE MIGRATORY BIRD TREATY ACT AND ITS REGULA- TIONS MADE APPLICABLE TO MONTANA.

The main provisions of the Migratory Bird Treaty Act and its regulations are herewith set forth in condensed form for the purpose of informing persons interested of the principal features. Complete information regarding any or all of the provisions of the various laws for the protection of migratory birds may be secured by addressing the United States Game Warden for this State or the Chief, Bureau Biological Survey, Washington, D. C. a bulletin containing all of the Federal

laws relating to game protection and which also contains a summary of the laws of all states in the United States, and Alaska, together with the Canadian laws, may be obtained upon application.

For detailed information call on or address: United States Game Warden, Room 223 Federal Building, Box 438, Billings, Montana.

Federal Laws.

OPEN SEASON: Duck (except wood duck and eider duck for which there is no open season), goose, brant, coot, gallinules, Wilson snipe or jacksnipe, black-bellied and golden plovers and greater and lesser yellowlegs, September 16 to December 31, inclusive; sora and other rails, September 1 to November 30, inclusive.

NO OPEN SEASON: The regulations under the Federal Migratory Bird Treaty Act prohibit in Montana the killing at any time of the following birds: Band-tailed pigeon, doves, little brown, sandbill and whooping cranes, wood duck, eider duck, swans, curlews, willet, upland plover, woodcock, and all shore birds (except black-bellied and golden plovers, Wilson snipe or jacksnipe, and the greater and lesser yellowlegs); cuckoos; flickers and other woodpeckers; nighthawks or bull-bats, and whip-poor-wills; swifts, hummingbirds; flycatchers, bobolinks, meadow-larks, and orioles; grosbeaks; tanagers; martins and other swallows; waxwings; shrikes; vireos; warblers; pipits; cat-birds and brown thrashers; wrens; brown creepers; nuthatches; chickadees and tit-mice; kinglets and gnatcatchers; robins and other thrushes; and all other perch-

ing birds which feed entirely or chiefly on insects; and also auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murrees, petrels, puffins, shearwaters and terns.

POSSESSION: Waterfowl (except wood duck, eider duck and swan), rails, coots, gallinules, black-bellied and golden plovers, greater and lesser yellowlegs, Wilson snipe or jacksnipe, may be possessed any day during the open season and for an additional period of 10 days next succeeding said open season.

HOURS FOR HUNTING: Migratory birds for which there is an open season may be taken each day from half an hour before sunrise to sunset during the open season prescribed therefor by the regulations, by the means and in the numbers permitted.

MEANS OF TAKING: The migratory game birds specified in Regulation 4 may be taken during the open season with a gun only, not larger than a 10 gauge, fired from the shoulder; they may be taken during the open season from land and water, from a blind or floating device (other than an airplane, powerboat, sailboat, or any boat under sail, or any floating device towed by powerboat or sailboat). With the aid of a dog, and the use of decoys.

BAG LIMITS. A person may take in one day during the open season prescribed by the regulations, not to exceed the following numbers of migratory game birds, which numbers shall include all birds killed by any person who for hire, assists or accompanies such person in taking migratory birds: Ducks, twenty (Montana law) in the aggregate of all kinds. Geese,

brant, eight in the aggregate of all kinds. Rails, coot and gallinules (except sora), twenty-five in the aggregate of all kinds. Sora, fifty. Black-bellied and golden plovers and greater and lesser yellowlegs, fifteen in the aggregate of all kinds. Wilson snipe or jacksnipe, twenty-five.

SHIPMENT: Waterfowl (except wood duck, eider duck and swan), rails, coot, gallinules, black-bellied and golden plovers, greater and lesser yellowlegs, Wilson snipe or jacksnipe, and parts thereof legally taken may be transported in or out of the State during the respective open seasons in this State. (Shipping permit must be secured from State Game Warden to ship ducks, geese and brant out of the State), and may be imported from Canada during the open season in the province where taken, in any manner, but not more than the number thereof that may be taken in two days by one person under these regulations shall be transported by one person in one calendar week out of the state where taken; any such migratory game birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed five days, necessary to deliver the same to their destination, and may be possessed in any state, territory or district during the period constituting the open season where killed, and for an additional period of ten days next succeeding said open season; and any package in which migratory birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the number and kinds of birds con-

tained therein clearly and conspicuously marked on the outside thereof; but no birds shall be transported from any state, territory, or district, or to or through another state, territory, or district, or to or through a province of the Dominion of Canada in which they were taken or from which they were transported into any state, territory or district from another state, territory, or district, or from any state, territory, or district, into any province of the Dominion of Canada, at a time when such state, territory, or district, or province of the Dominion of Canada prohibits the possession or transportation thereof.

PROPAGATION AND SALE: A person may take at any time and in any manner migratory waterfowl and their eggs for propagating purposes when authorized by a permit issued by the Secretary of Agriculture. (For full information regarding propagation and sale of migratory waterfowl see Regulation 8 of the Migratory Bird Treaty Act regulations. State permit must be secured in addition to Federal permit).

SCIENTIFIC COLLECTING: A person may take in any manner and at any time migratory birds and their nests and eggs for scientific purposes when authorized by a permit issued by the Secretary of Agriculture, which permit shall be carried on his person when he is collecting specimens thereunder and shall be exhibited to any person requesting to see the same. (For full text see Regulation 9 of the Migratory Bird Treaty Act Regulations. A State permit must be secured in addition to the Federal permit).

NOTE: The constitutionality of the Migratory Bird Treaty Act was sustained by the United States Supreme Court in its decision of April 19, 1920, in the case of the State of Missouri v. Rap P. Holland.

DIGEST OF FOREST FIRE LAWS OF MONTANA.

The failure of an able-bodied citizen residing in the vicinity of a forest fire, to comply with the request of a fire warden to assist in putting out the fire, is punishable by a fine not less than \$20.00 nor more than \$1,000.00, or by imprisonment in the county jail for not less than 10 days, nor more than 12 months, or both.

For destroying, defacing, removing or disfiguring forest fire notices posted conformable to law, the fine is not less than \$15.00, nor more than \$200.00, or imprisonment in the county jail for not less than 10 days, nor more than 3 months, or both.

No person (except a settler in clearing his land for agricultural purposes) shall burn forest material from June 1st to September 30th, inclusive, without a written permit from the State Forester, or a State Fire Warden, or a United States Forest Ranger. The burning of slashings by a settler without a permit is not allowed.

For violation of this law, the penalty is a fine of not less than \$25.00 nor more than \$500.00, or imprisonment in the county jail for not less than 10 days nor more than 90 days, or both.

For setting out a fire contrary to the terms of a permit to burn, or for setting out a fire more than ten days after the

issuance of a permit to burn, or for setting out a fire when the wind is blowing to such an extent as to cause danger of the fire spreading beyond control of the person setting it, the penalty is a fine of not less than \$25.00, nor more than \$500.00, or by imprisonment in the county jail for not less than 10 days, nor more than 90 days, or both.

It is unlawful to set out a fire in any forest material without sufficient tools and help present to control the fire. For violation of this law the penalty is a fine of not less than \$25.00 nor more than \$500.00, or imprisonment in the county jail for not less than 10 days, nor more than 90 days, or both.

Failure of the person setting out a fire to watch it until it is out makes him liable to a fine or not less than \$25.00, nor more than \$500.00, or imprisonment for not less than 10 days, nor more than 90 days, or both.

For setting or leaving any fire on any land within the State of Montana, which shall spread, or damage or destroy property of any kind not his own, the penalty is a fine or not less than \$10.00, nor more than \$500.00.

Any person who shall maliciously set a fire on his own land, or on another's land, with intent to destroy property not his own, shall be punished by imprisonment in the State penitentiary for not less than one nor more than 50 years.

A person kindling a camp fire during the closed season (June 1st to September 30th) on land not his own, or dangerously near any forest material and leaving the same unquenched, is subject to a fine of not less than \$10.00 nor more than

\$100.00, or to imprisonment in the county jail for not more than 60 days.

Any person who shall throw away any lighted cigar, cigarette or matches, or use any firearms which shall start a fire in forest material not his own and leave the same unquenched, shall be fined not less than \$10.00 nor more than \$100.00 or be imprisoned in the county jail for not more than 60 days.

Any person who shall set or leave any fire on his own land, or on the land of another, that shall spread and damage, or destroy property of any kind not his own, shall be liable for all damages caused by the fire. In addition if the fire threatens to destroy or damage adjoining property the State of Montana or any Forestry Association, or any person, may suppress the fire and require the person who started the fire to pay all costs and expenses incurred in putting it out.

For the wrongful removal of or injury to the timber, trees, or underwood upon the land of another, treble damages may be recovered in a civil suit.

DEFINITION OF "FOREST MATERIAL"; Any forest, slashing, stumpland, chopping, woodland, or brushland.

DEFINITION OF "CAMP FIRE": A fire set for any purpose other than the disposal of forest material.

DEFINITION OF "FIRE WARDEN": A State Fire Warden, Deputy Fire Warden or ex-officia Fire Warden, or a United States Forest Ranger, or any officer of the United States Forest Service, or of the Northern Montana Forestry Association, or of the United States Indian Service.

The State Forester, a State Fire Warden, or a United States Forest Ranger, may re-

fuse to issue, or may revoke permits to burn, or may require the suspension of burning under permits already in force, when such action is deemed necessary by him, for the safety of adjacent property.

BY ORDER OF THE COMMISSION the following Game Preserves were created:

Tobacco Root Mountain Game Preserve:

All lands in District No. 2, of the Madison National Forest, in Madison County, Montana. East of the Tobacco Root Range of mountains in Townships One, (1), Two (2), Three (3), Four (4), and Five (5) South, Ranges Two (2), Three (3) and Four (4) West.

Cherry Creek Game Preserve:

All of the valley of Cherry Creek, Valley County, Montana. Beginning where this valley opens into Milk River Valley. The South line being the main highway at Rhodes, known as the Poor Farm Road, to the north line of the McVee ranch, where it crosses Cherry Creek from East to West; also the East Fork to the Opheim Road, and all the coulees and draws entering the said Cherry Creek Valley.

For the better protection and propagation of game animals and birds, the following described area in Judith Basin County is hereby set aside and established as a State Game Preserve, to be known as the JUDITH RIVER GAME AND BIRD PRESERVE.

Beginning at a point which is the intersection of the boundary of the Jefferson National Forest and the center of Middle Fork of the Judith River, thence up the center of Middle Fork to the mouth of Lost Fork, thence up the center of Lost Fork to

the west boundary of Judith Basin County, thence southeasterly along the boundary of Judith Basin County to the nearest point of the South Fork of Judith Basin, thence to the source of said South Fork, thence down the center of South Fork to the intersection with the boundary of the Jefferson National Forest, thence north along the boundary of the Jefferson National Forest to the place of beginning

(Created by the State Fish & Game Commission Proclaimed July 8, 1924.)

For the better protection and propagation of game animals and birds, the following described area is hereby set aside and established as a State Game Preserve, to be known as the BALLANTINE GAME PRESERVE.

Beginning at the northeast corner of section 25, Township 2 North, of Range 29 East, and running thence due west a distance of nine miles to the northwest corner of Section 27, Township 2 North, of Range 28 East, thence due south a distance of eight miles to the Montana Base line, thence due east along said Base line a distance of nine miles to the southeast corner of Section 36, Township 1 North, of Range 29 East, thence due north a distance of eight miles to the point of beginning.

(Created by the State Fish & Game Commission Proclaimed November 21, 1924.)

For the better protection and propagation of game animals and birds, the following described area is hereby set aside

and established as a State Game Preserve, to be known as the PIPESTONE SPRINGS GAME PRESERVE.

All of Sections 12 and 13, portions of Sections 1, 2, 10, 11 and 14, Township 1 North, Range 6 West; all of Sections 15, 19, 20, 21, 22, 26, 27, 28, 29, 32, 33, 34, 35 and 36, Township 2 North, Range 5 West; all of Sections 2, 3, 4, 5, 8, 9 and 10, Township 1 North, Range 5 West; part of Sections 31 and 32, Township 2 North, Range 4 West.

(Created by the State Fish & Game Commission Proclaimed January 11, 1924.)

For the better protection and propagation of game animals and birds, the following described area in Flathead and Lake Counties, along the Eastern shore of Flathead Lake, is hereby set aside and established as a State Game Preserve.

Beginning at the outlet of Daffia Pond about one and one-half miles south of Bigfork, Montana, and extending to the outlet of Blue Bay Creek on the east shore of Flathead Lake, a strip of land extending from the shore line of Flathead Lake on the east side of said lake to a point eighty (80) rods east of the county road and paralleling the east shore of Flathead Lake, lying between said outlet of Daffia Pond and the mouth of Blue Bay creek, said territory being in both Flathead and Lake Counties, Montana.

(Created by the State Fish & Game Commission Proclaimed August 15, 1924.)

For the better protection and propagation of game animals and birds, the following described area in Carbon County is hereby set aside and established as a State Game Preserve.

Beginning at the Northeast Corner of Section Thirty, Township Five South, Range Twenty East, thence south on Section line Two miles to Southeast corner of Section Thirty-one of said Township and Range; thence East a quarter miles to Quarter corner North side Section Five, Township Six South, Range Twenty East; thence South on Half Section line Three and One-half miles to Quarter Corner South side Section Twenty, Township Six South, Range Twenty East; thence West about one-eighth mile to quarter corner North side Section Twenty-nine, Township Six South, Range Twnty East; thence South about Five-eighths of a mile on the Half Section line to Old Blake line; thence West about Two and Three-fourths miles to intersection of Blake line and county road known as lower Red Lodge Roscoe Road; thence following northerly along said road about Two miles to the West line of Section Fourteen, Township Six South, Range Nineteen East; thence North on Section line Three miles to Northwest corner of Section Two, Township Six South, Range Nineteen East; thence East about one-fourth mile to Southwest corner of Section Thirty-five, Township Five South, Range Nineteen East; thence North Two miles to Northwest corner of Section Twenty-six, Township Five South, Range Nineteen East; thence East Three miles to

point of beginning containing approximately Twenty-three Sections.

(Created by the State Fish & Game Commission Proclaimed May 24, 1923.)

For the better protection and propagation of game animals and birds, the following described area in Madison County, is hereby set aside and established as a State Game Preserve, to be known as TOBACCO ROOT MOUNTAIN GAME PRESERVE.

All lands in District No. 2 of the Madison National Forest, Madison County, Montana, east of the Tobacco Root range of mountains in Townships 1, 2, 3, 4, and 5 South, and ranges 2, 3 and 4 West.

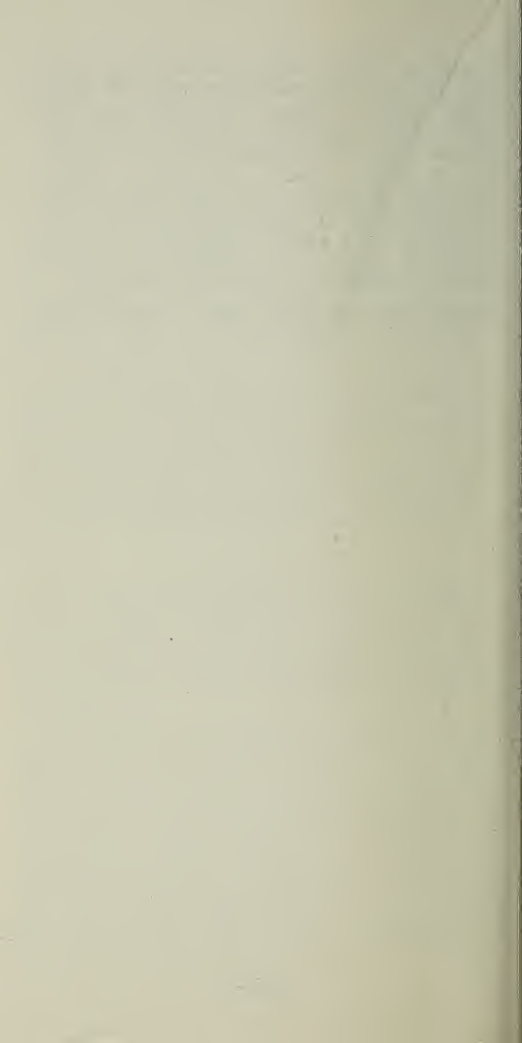
(Created by the State Fish & Game Commission Proclaimed August 18, 1922.)

For the better protection and propagation of game animals and birds, the following described area is hereby set aside and established as a State Game Preserve, to be known as the STILLWATER GAME PRESERVE.

Beginning at the meander corner of the right bank of the Flathead River between Sections 26 and 35, 29 North, Range 21 West, thence West between Sections 26 and 35, 27 and 34, 28 and 33, in part about One-fourth miles to the left bank of the Whitefish River, thence following the Whitefish River in a southerly direction through Section 32. Then following the left bank of the same stream through Section 5, southerly and easterly to 28 North,

Range 21 West; thence southerly through Sections 4 to its confluence with the Stillwater River. Thence following the left bank of the Stillwater River to its confluence with the flathead River in Section 21, 28 North, Range 21 West; thence Northerly following the right bank of the Flathead River through sections 21 and 16, 15 and 10, 9, 3 and 2, Township 28 North, Range 21 West, and Sections 35 and 29 North, 21 West, to place of beginning.

(Created by the State Fish & Game Commission Proclaimed May 15, 1924.)



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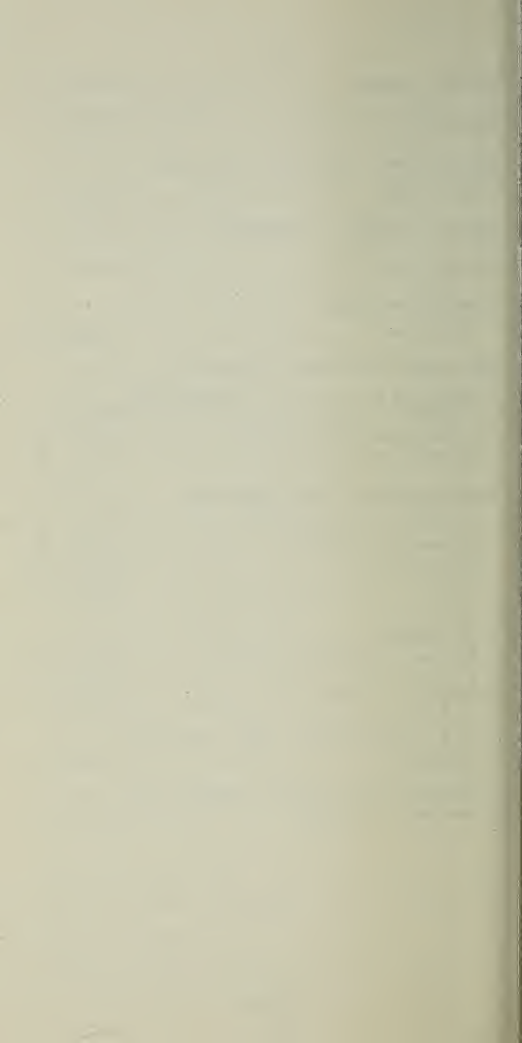
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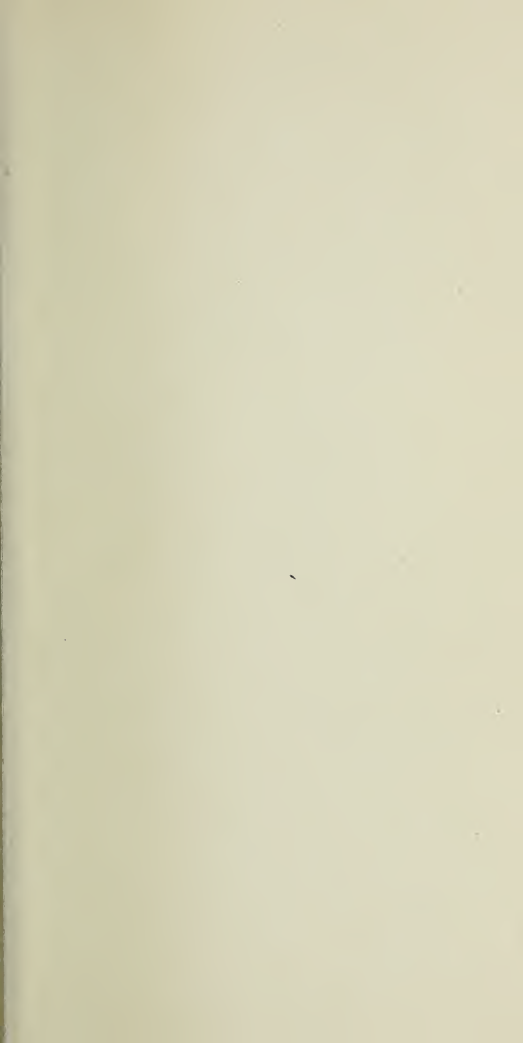
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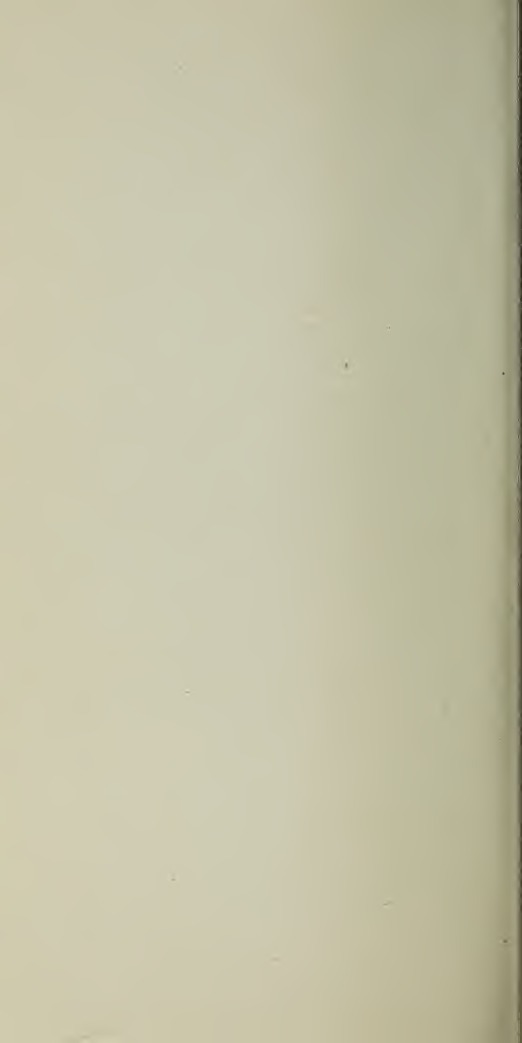
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